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**FEDERAL REGISTER**  
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*Washington, Wednesday, April 21, 1937*

**PRESIDENT OF THE UNITED STATES.**

**EXECUTIVE ORDER**

**TRANSFER OF LANDS FROM DIXIE NATIONAL FOREST TO NEVADA NATIONAL FOREST**

*Nevada*

By virtue of and pursuant to the authority vested in me by the act of June 4, 1897, 30 Stat. 11, 36 (U. S. C., title 16, sec. 473), and upon the recommendation of the Secretary of Agriculture, it is ordered that that part of the Dixie National Forest known as the Moapa Division and situated within Townships 18, 19, and 20 South of Ranges 55, 56, and 57 East, Mt. Diablo Meridian, as fixed and defined by Proclamation No. 1465 of July 12, 1918, be, and it is hereby, transferred to and made a part of the Nevada National Forest.

It is not intended by this order to give a national-forest status to any publicly-owned lands which have hitherto not had such a status, nor to remove any publicly-owned lands from a national forest status.

This order shall become effective July 1, 1937.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,  
April 19, 1937.

[No. 7607]

[F. R. Doc. 37-1164; Filed, April 20, 1937; 10:19 a. m.]

**TREASURY DEPARTMENT.**

**Bureau of Customs.**

[T. D. 48922]

**CUSTOMS REGULATIONS AMENDED—POWERS OF ATTORNEY—PROTESTS**

**ARTICLE 850, CUSTOMS REGULATIONS OF 1931, RELATING TO POWERS OF ATTORNEY TO FILE PROTESTS, FURTHER AMENDED**

*To Collectors of Customs and Others Concerned:*

Pursuant to the authority contained in section 251, Revised Statutes, and section 624, Tariff Act of 1930 (U. S. C., title 19, secs. 66 and 1624), the last sentence of paragraph (b) of article 850 of the Customs Regulations of 1931, as amended by T. D. 48707,<sup>1</sup> the effective date of which decision was extended to June 23, 1937, by T. D. 48863,<sup>2</sup> is further amended to read as follows:

Corporate powers of attorney to file protests shall be signed by a duly authorized officer or employee of the corporation, and if the collector is otherwise satisfied as to the authority of such corporate officer or employee to grant such power of attorney, com-

pliance with the requirements of article 296 (e) may be waived with respect to such power.

[SEAL]

JAMES H. MOYLE,  
*Commissioner of Customs.*

Approved: April 14, 1937.

STEPHEN B. GIBBONS,  
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-1163; Filed, April 19, 1937; 3:57 p. m.]

**DEPARTMENT OF AGRICULTURE.**

**Agricultural Adjustment Administration.**

NCR-B-1-L

**1936 AGRICULTURAL CONSERVATION PROGRAM—NORTH CENTRAL REGION**

BULLETIN NO. 1-L

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, North Central Region Bulletin No. 1, Revised, as amended,<sup>3</sup> is hereby amended as follows:

1. Part V, Section 4, is hereby amended to read as follows:

**SECTION 4. Total Amount of Soil-Conserving Payments for Diversion from Crops in the General Soil-Depleting Base Where a Person Owns or Operates More Than One Farm in a County and Makes an Application for Payment With Respect to One or More of Such Farms.**

A. If a person owns or operates more than one farm in a county, none of which farms are cotton farms or sharecropper farms, and makes an application for payment with respect to one or more of such farms, the total amount of the soil-conserving payment to such person for diversion from crops in the general soil-depleting base shall, subject to the provisions of Sections 5, 6, 7, 8, 9, and 10 of Part V, be computed as follows:

(1) For each farm owned or operated in the county with respect to which such person makes an application for payment, multiply the computed 1935 general acreage by the rate determined for such farm pursuant to the provisions of Section 2 (a) of Part II and multiply this result by the percentage to which such person is entitled, such percentage to be determined in accordance with Section 3 of Part V.

(2) Add the amounts obtained under item (1) of this paragraph A.

(3) For each farm owned or operated in the county with respect to which such person makes an application for payment, multiply the general soil-depleting base by the rate determined for such farm pursuant to the provisions of Section 2 (a) of Part II and multiply this result by the percentage to which such person is entitled, such percentage to be determined in accordance with Section 3 of Part V.

(4) Add the amounts obtained under item (3) of this paragraph A.

(5) For each farm owned or operated in the county with respect to which such person makes an application for payment, multiply the 1936 general acreage by the rate determined for such farm pursuant to the provisions of Section 2 (a) of Part

<sup>1</sup> 1 F. R. 2519.

<sup>2</sup> 2 F. R. 647.

<sup>3</sup> 1 F. R. 1600.





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II and multiply this result by the percentage to which such person is entitled, such percentage to be determined in accordance with Section 3 of Part V.

(6) Add the amounts obtained under item (5) of this paragraph A.

(7) For each farm owned or operated in the county with respect to which such person makes an application for payment, multiply the general soil-depleting base by 85 percent; multiply this result by the rate determined for such farm pursuant to the provisions of Section 2 (a) of Part II, and multiply this result by the percentage to which such person is entitled, such percentage to be determined in accordance with Section 3 of Part V.

(8) Add the amounts obtained under item (7) of this paragraph A.

(9) Ascertain which of the amounts obtained under items (2) and (4) of this paragraph A is the larger.

(10) For each farm owned or operated in the county with respect to which such person makes an application for payment, multiply the maximum general soil-conserving payment by the percentage to which such person is entitled, such percentage to be determined in accordance with Section 3 of Part V.

(11) Add the amounts obtained under item (10) of this paragraph A.

(12) If the amount obtained under item (6) of this paragraph A is less than the amount obtained under item (9) of this paragraph A, subtract the amount obtained under item (6) from

the amount obtained under item (9). If the amount obtained under item (6) of this paragraph A is not less than the amount obtained under item (9) of this paragraph A, the calculations outlined in items (13) to (16), inclusive, of this paragraph A need not be made since a deduction must be calculated as hereinafter outlined.

(13) Subtract the amount obtained under item (8) of this paragraph A from the amount obtained under item (9) of this paragraph A.

(14) Multiply the amount obtained under item (12) of this paragraph A by the amount obtained under item (11) of this paragraph A.

(15) Divide the amount obtained under item (14) of this paragraph A by the amount obtained under item (13) of this paragraph A.

(16) Whichever of the amounts obtained under items (15) and (11) of this paragraph A is the smaller shall, subject to the provisions of the first paragraph of this paragraph A, be the amount of the soil-conserving payment for diversion from crops in the general soil-depleting base to such person.

If the amount obtained under item (6) of this paragraph A is greater than the amount obtained under item (9) of this paragraph A, a deduction will be made from any payments which would otherwise be made to such person for performance on farms owned or operated in the county with respect to which he makes an application for payment. The amount of such deduction shall be equal to the result obtained by subtracting the result ascertained under item (9) of this paragraph A from the result ascertained under item (6) of this paragraph A.

B. If a person owns or operates more than one farm in a county, one or more of which farms are cotton farms or sharecropper farms, and makes an application for payment with respect to one or more of such farms, the total amount of the soil-conserving payment to such person for diversion from crops in the general soil-depleting base shall be computed as outlined in paragraph A of this Section 4, except that for any cotton farm or sharecropper farm on which the 1936 general acreage is greater than the larger of the soil-depleting base or the computed 1935 general acreage, the percentage to be used in items (1), (3), (5), (7), and (10) of paragraph A of this Section 4 shall be the ratio determined by dividing the sum of the adjusted Class I payment and the Class II payment for such person for such farm by the sum of the adjusted Class I payment and the Class II payment for such farm. If the sum of the adjusted Class I payment and the Class II payment for such farm is zero, the percentage to be used in items (1), (3), (5), (7), and (10) of paragraph A of this Section 4 shall be such person's percentage of the principal soil-depleting crop on the farm.

2. Part V, Section 5, is hereby amended to read as follows:

**SECTION 5. Total Amount of Cotton and Tobacco Soil-Conserving Payments and Payments with Respect to Sugar Beets and Flax Where a Person Owns or Operates More than One Farm in a County and Makes an Application for Payment with Respect to One or More of Such Farms.**

A. If a person owns or operates more than one farm in a county, none of which farms are cotton farms or sharecropper farms, and makes an application for payment with respect to one or more of such farms, the total amount of the cotton and tobacco soil-conserving payments and payments made with respect to sugar beets and flax to such person shall, subject to the provisions of Sections 4, 7, 8, 9, and 10 of Part V, be computed as follows:

(1) For each farm owned or operated in the county with respect to which such person makes an application for payment:

(a) Multiply the number of acres diverted from the cotton soil-depleting base by the rate determined for such farm pursuant to the provisions of Section 2 (b) of Part II and multiply this result by the percentage to which such person is entitled, such percentage to be determined in accordance with Section 3 of Part V; (b) Multiply the number of acres diverted from the soil-depleting base for each kind of tobacco pursuant to the provisions of Section 2 (c) of Part II and multiply this result by the percentage to which such person is entitled, such percentage to be determined in accordance with Section 3 of Part V; (c) Multiply the acreage allotment for sugar beets by the rate per acre determined for such farm pursuant to the provisions of Section 3 of Part II and multiply this result by the percentage to which such person is entitled, such percentage to be determined in accordance with Section 3 of Part V; (d) Multiply the acreage allotment for flax by the rate per acre determined for such farm pursuant to the provisions of Section 4 of Part II and multiply this result by the percentage to which such person is entitled, such percentage to be determined in accordance with Section 3 of Part V.

(2) For each farm owned or operated in the county with respect to which such person makes an application for payment and on which there has been: (a) An increase in the acreage of cotton over the cotton soil-depleting base, multiply such number of excess acres by the rate determined for such farm pursuant to the provisions of Section 2 (b) of Part II and multiply this result by the percentage to which such person is entitled, such percentage to be determined in accordance with Section 3 of Part V; (b) An increase in the acreage of any kind of tobacco over the soil-depleting base for such kind of tobacco, multiply such number of excess acres by the rate determined for such farm for such kind of tobacco pursuant to the provisions of Section 2 (c) of Part II and multiply this result by



the percentage to which such person is entitled, such percentage to be determined in accordance with Section 3 of Part V; (c) An increase in the acreage of sugar beets over the sugar beet soil-depleting base, multiply such number of excess acres by the rate determined for such farm pursuant to the provisions of Section 2 (a) of Part II and multiply this result by the percentage to which such person is entitled, such percentage to be determined in accordance with Section 3 of Part V; (d) An increase in the acreage of flax over the flax soil-depleting base, multiply such number of excess acres by the rate determined for such farm pursuant to the provisions of Section 2 (a) of Part II and multiply this result by the percentage to which such person is entitled, such percentage to be determined in accordance with Section 3 of Part V.

(3) The sum of the amounts obtained under item (2) of this paragraph A for farms with respect to which such person makes an application for payment shall be subtracted from the sum of the amounts obtained under item (1) of this paragraph A for such farms. If the sum obtained under item (2) is greater than the sum obtained under item (1), the amount by which the sum obtained under item (2) exceeds the sum obtained under item (1) shall be deducted from any payments which otherwise would be made to such person for performance on farms owned or operated in the county by such person in 1936 with respect to which he makes an application for payment: Provided, That—

(a) The total amount of the soil-conserving payment to such person for diversion from cotton and tobacco soil-depleting bases, respectively, shall not exceed the sum of his shares (determined in accordance with the provisions of Section 3 of Part V) of the maximum cotton soil-conserving payment and of the maximum tobacco soil-conserving payment, respectively, for each farm in the county with respect to which such person makes an application for payment.

(b) The total amount of the payments to such person with respect to sugar beets and flax, respectively, shall not exceed the sum of his shares (determined in accordance with the provisions of Section 3 of Part V) of the maximum payments with respect to sugar beets and flax, respectively, as specified in Sections 3 and 4, respectively, of Part II, for each farm in the county with respect to which such person makes an application for payment.

B. If a person owns or operates more than one farm in a county, one or more of which farms are cotton farms or sharecropper farms, and makes an application for payment with respect to one or more of such farms, the total amount of the cotton and tobacco soil-conserving payments and payments made with respect to sugar beets and flax to such person shall be computed as outlined in paragraph A of this Section 5, except that—

(1) For a cotton farm or sharecropper farm on which the 1936 acreage of cotton is greater than the cotton soil-depleting base, the percentage to be used in item (2) (a) of paragraph A of this Section 5 shall be the ratio obtained by dividing the sum of the adjusted Class I payment and the Class II payment for such person for such farm by the sum of the adjusted Class I payment and the Class II payment for such farm; if the sum of the adjusted Class I payment and the Class II payment for such farm is zero, the percentage to be used in item (2) (a) of paragraph A of this Section 5 shall be such person's percentage of the principal soil-depleting crop on such farm, and

(2) For a cotton farm or sharecropper farm on which the 1936 acreage of any kind of tobacco is greater than the soil-depleting base for such kind of tobacco, the percentage to be used in item (2) (b) of paragraph A of this Section 5 shall be the ratio obtained by dividing the sum of the adjusted Class I payment and the Class II payment for such person for such farm by the sum of the adjusted Class I payment and the Class II payment for such farm; if the sum of the adjusted Class I payment and the Class II payment for such farm is zero, the percentage to be used in item (2) (b) of paragraph A of this Section 5 shall be such person's percentage of the principal soil-depleting crop on such farm, and

(3) For a cotton farm or sharecropper farm on which the 1936 acreage of sugar beets is greater than the sugar beet soil-depleting base, the percentage to be used in item (2) (c) of paragraph A of this Section 5 shall be the ratio obtained by dividing the sum of the adjusted Class I payment and the Class II payment for such person for such farm by the sum of the adjusted Class I payment and the Class II payment for such farm; if the sum of the adjusted Class I payment and the Class II payment for such farm is zero, the percentage to be used in item (2) (c) of paragraph A of this Section 5 shall be such person's percentage of the principal soil-depleting crop on such farm, and

(4) For any cotton farm or sharecropper farm on which the 1936 acreage of flax is greater than the flax soil-depleting base, the percentage to be used in item (2) (d) of paragraph A of this Section 5 shall be the ratio obtained by dividing the sum of the adjusted Class I payment and the Class II payment for such person for such farm by the sum of the adjusted Class I payment and the Class II payment for such farm; if the sum of the adjusted Class I payment and the Class II payment for such farm is zero, the percentage to be used in item (2) (d) of paragraph A of this Section 5 shall be such person's share of the principal soil-depleting crop on such farm.

3. Part V, Section 9, is hereby amended to read as follows:

*SECTION 9. Deduction for Increase of 1936 General Acreage on Farms in a County with Respect to Which no Application for Payment is Made by a Person Who Owns or Operates More Than One Farm in Such County.*

A. If a person owns or operates more than one farm in a county, none of which farms are cotton farms or sharecropper farms, and does not make an application for payment with respect to all such farms and if as a result of:

(1) Multiplying for each farm with respect to which no application for payment is made by such person the computed 1935 general acreage by the rate determined for such farm pursuant to the provisions of Section 2 (a) of Part II and multiplying this result by the percentage to which such person would be entitled, such percentage to be determined in accordance with Section 3 of Part V;

(2) Adding the amounts obtained under item (1) of this paragraph A;

(3) Multiplying for each farm with respect to which no application for payment is made by such person the general soil-depleting base by the rate determined for such farm pursuant to the provisions of Section 2 (a) of Part II and multiplying this result by the percentage to which such person would be entitled, such percentage to be determined in accordance with Section 3 of Part V;

(4) Adding the amounts obtained under item (3) of this paragraph A;

(5) Multiplying for each farm with respect to which no application for payment is made by such person the 1936 general acreage by the rate determined for such farm pursuant to the provisions of Section 2 (a) of Part II and multiplying this result by the percentage to which such person would be entitled, such percentage to be determined in accordance with Section 3 of Part V;

(6) Adding the amounts obtained under item (5) of this paragraph A;

(7) Ascertaining which of the amounts obtained under items (2) and (4) of paragraph A is the larger:

the amount obtained under item (6) of this paragraph A is greater than the amount obtained under item (7) of this paragraph A, a deduction will be made from any payments which would otherwise be made to such person for performance on farms owned or operated by him in the county in 1936 with respect to which he makes an application for payment. The amount of any such deduction shall be equal to the result obtained by subtracting the result obtained under item (7) of this paragraph A, from the amount obtained under item (6) of this paragraph A.

B. If a person owns or operates more than one farm in a county, one or more of which farms are cotton farms or sharecropper farms, and does not make an application for payment with respect to all of such farms, the amount of any deduction for increase of 1936 general acreage shall be computed as outlined in paragraph A of this Section 9, except that for any cotton farm or sharecropper farm on which the 1936 general acreage is greater than the larger of the computed 1935 general acreage and the general soil-depleting base, the percentage to be used in items (1), (3), and (5) of paragraph A of this Section 9 shall be the ratio determined by dividing the sum of the adjusted Class I payment and the Class II payment for such person for such farm, by the sum of the adjusted Class I payment and the Class II payment for such farm; if the sum of the adjusted Class I payment and the Class II payment for such farm is zero, the percentage to be used in items (1), (3), and (5) of paragraph A of this Section 9 shall be such person's percentage of the principal soil-depleting crop on such farm.

4. Part V, Section 10, is hereby amended to read as follows:

*SECTION 10. Deduction for Increase of Cotton, Tobacco, Sugar Beets, and Flax Over the Cotton, Tobacco, Sugar Beet, and Flax Soil-Depleting Bases, Respectively, Where a Person Owns or Operates More Than One Farm in a County and Does Not Make an Application for Payment with Respect to All Such Farms.*

A. If a person owns or operates more than one farm in a county, none of which farms are cotton farms or sharecropper farms, and does not make an application for payment with respect to all such farms, and if the amount obtained by:

(A-1) Multiplying for each farm with respect to which no application for a payment is made by such person the number of acres by which the 1936 acreage of cotton exceeds the cotton soil-depleting base for such farm by the rate determined for such farm pursuant to the provisions of Section 2 (b) of Part II and multiplying this result by the percentage to which such person would be entitled, such percentage to be determined in accordance with Section 3 of Part V;

(A-2) Multiplying for each farm with respect to which no application for payment is made by such person the number of acres by which the 1936 acreage of any kind of tobacco exceeds the soil-depleting base for such kind of tobacco for such farm by the rate determined for such farm for such kind of tobacco pursuant to the provisions of section 2 (c) of Part II and multiplying this result by the percentage to which such person would be entitled, such percentage to be determined in accordance with Section 3 of Part V;



(A-3) Multiplying for each farm with respect to which no application for payment is made by such person the number of acres by which the 1936 acreage of sugar beets exceeds the sugar beet soil-depleting base by the rate determined for such farm pursuant to the provisions of Section 2 (a) of Part II and multiplying this result by the percentage to which such person would be entitled, such percentage to be determined in accordance with Section 3 of Part V;

(A-4) Multiplying for each farm with respect to which no application for payment is made by such person the number of acres by which the 1936 acreage of flax exceeds the flax soil-depleting base by the rate determined for such farm pursuant to the provisions of Section 2 (a) of Part II and multiplying this result by the percentage to which such person would be entitled, such percentage to be determined in accordance with Section 3 of Part V;

(A-5) Adding the amounts obtained under subsections (A-1), (A-2), (A-3), and (A-4) of this paragraph A for all such farms; is greater than the amount obtained by:

(B-1) Multiplying for each farm with respect to which no application for payment is made by such person the number of acres diverted from the cotton soil-depleting base by the rate determined for such farm pursuant to the provisions of Section 2 (b) and multiplying this result by the percentage to which such person would be entitled, such percentage to be determined in accordance with Section 3 of Part V;

(B-2) Multiplying for each farm with respect to which no application for payment is made by such person the number of acres diverted from the soil-depleting base for each kind of tobacco by the rate determined for such farm for such kind of tobacco pursuant to the provisions of Section 2 (c) and multiplying this result by the percentage to which such person would be entitled, such percentage to be determined in accordance with Section 3 of Part V;

(B-3) Adding the amounts obtained in subsections (B-1) and (B-2) of this paragraph A for all such farms;

there shall be deducted from any payments which would otherwise be made to such person for performance on farms owned or operated by him in the county in 1936 with respect to which he makes an application for payment the amount obtained by subtracting from the amount obtained under subsection (A-5) of this paragraph A the amount obtained under subsection (B-3) of this paragraph A.

B. If a person owns or operates more than one farm in a county, one or more of which farms are cotton farms or sharecropper farms, and does not make an application for payment with respect to all such farms, the amount of any deduction for increase in the acreage of cotton, tobacco, sugar beets, or flax over the cotton, tobacco, sugar beet, or flax soil-depleting base, respectively, shall be computed as outlined in paragraph A of this Section 10, except that

(1) For any cotton farm or sharecropper farm on which the 1936 acreage of cotton exceeds the cotton soil-depleting base and in connection with which no application for payment is made, the percentage to be used in subsection (A-1) of paragraph A of this Section 10 shall be obtained by dividing the sum of the adjusted Class I payment and the Class II payment for such person for such farm by the sum of the adjusted Class I payment and the Class II payment for such farm; if the sum of the adjusted Class I payment and the Class II payment for such farm is zero the percentage to be used in subsection (A-1) of paragraph A of this Section 10 shall be such person's percentage of the principal soil-depleting crop on such farm, and

(2) For any cotton farm or sharecropper farm on which the 1936 acreage of any kind of tobacco exceeds the soil-depleting base for such kind of tobacco and in connection with which no application for payment is made the percentage to be used in subsection (A-2) of paragraph A of this Section 10 shall be obtained by dividing the sum of the adjusted Class I payment and the Class II payment for such person for such farm by the sum of the adjusted Class I payment and the Class II payment for such farm; if the sum of the adjusted Class I payment and the Class II payment for such farm is zero the percentage to be used in subsection (A-2) of paragraph A of this Section 10 shall be such person's percentage of the principal soil-depleting crop on such farm, and

(3) For any cotton farm or sharecropper farm on which the 1936 acreage of sugar beets exceeds the sugar beet soil-depleting base and in connection with which no application for payment is made the percentage to be used in subsection (A-3) of paragraph A of this Section 10 shall be obtained by dividing the sum of the adjusted Class I payment and the Class II payment for such person for such farm by the sum of the adjusted Class I payment and the Class II payment for such farm; if the sum of the adjusted Class I payment and the Class II payment for such farm is zero the percentage to be used in subsection (A-3) of paragraph A of this Section 10 shall be such person's percentage of the principal soil-depleting crop on such farm, and

(4) For any cotton farm or sharecropper farm on which the 1936 acreage of flax exceeds the flax soil-depleting base and in connection with which no application for payment is made the percentage to be used in subsection (A-4) of paragraph A of this Section 10 shall be obtained by dividing the sum of the adjusted Class I payment and the Class II payment for such person for such farm by the sum of the adjusted Class I payment and the Class II payment for such farm; if the sum of

the adjusted Class I payment and the Class II payment for such farm is zero the percentage to be used in subsection (A-4) of paragraph A of this Section 10 shall be such person's percentage of the principal soil-depleting crop on such farm.

The provisions of this NCR—B-1-L shall be effective as of October 19, 1937, so as to be included within the conditions mentioned in the "Order With Respect To Payments Under The 1936 Agricultural Conservation Program—North Central Region", issued October 7, 1936, as amended.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 16th day of April, 1937.

[SEAL]

H. A. WALLACE,  
Secretary of Agriculture.

[F. R. Doc. 37-1161; Filed, April 19, 1937; 2:01 p. m.]

NCR—Tama County—B-101

1937 AGRICULTURAL CONSERVATION PROGRAM—NORTH CENTRAL REGION

BULLETIN NO. 101—TAMA COUNTY, IOWA

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, payments will be made, in connection with the effectuation of the purposes of Section 7 (a) of said Act for 1937, in Tama County, Iowa, in accordance with the following provisions of this North Central Region Tama County Bulletin No. 101, and such modifications thereof and such other provisions as may hereafter be made.

The 1937 Agricultural Conservation Program has been developed in accordance with the provisions of Sections 8, 15, and 16 of the Soil Conservation and Domestic Allotment Act, but the payment of any benefits pursuant to the provisions of this bulletin is contingent upon whatever appropriation the Congress of the United States may hereafter make for such purpose and the amounts of such payments will be finally determined by such appropriation and the extent of participation in the program. The rates of payment and the soil-building allowances set forth herein are computed upon the basis of an appropriation of \$500,000,000 for the entire United States.

#### Part I. Definitions

As used herein and in all forms and documents relating to the 1937 Agricultural Conservation Program in Tama County, Iowa, the following terms shall have the following meanings:

*Secretary* means the Secretary of Agriculture of the United States.

*North central region* means the area included in the States of Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, Ohio, South Dakota, and Wisconsin.

*North central division* means the division of the Agricultural Adjustment Administration in charge of the 1937 Agricultural Conservation Program in the North Central Region.

*State committee or State agricultural conservation committee* means the group of persons designated to assist in the administration of the 1937 Agricultural Conservation Program in the State of Iowa.

*County agricultural conservation association or county association* means the association in Tama County organized to assist in the administration of the 1937 Agricultural Conservation Program in such county.

*County agricultural conservation committee or county committee* means the group of persons designated for Tama County to assist in the administration of the 1937 Agricultural Conservation Program in such county.

*Person* means an individual, firm, partnership, association, corporation, estate, or trust. The term "person" shall also include, wherever applicable, a State, a political subdivision



of a State, or any agency thereof, and any Governmental agency that may be designated by the Secretary.

**Operator** means a person who as owner or tenant is operating a farm or a tract and is entitled to receive all or a portion of the crops produced thereon, or the proceeds thereof.

**Owner** means (1) a person who owns a farm which farm is not rented to an operator for cash or for a fixed commodity payment, or (2) a person who owns a farm, all or part of which is field rented to and operated by other persons, or (3) a person who rents a farm from another for cash or for a fixed commodity payment, or (4) a person who is purchasing a farm on installments for cash or for a fixed commodity payment, all of which farm is not rented to an operator for cash or for a fixed commodity payment.

**Tenant** means a person other than an owner who is operating a farm or a tract and is entitled to receive all or a portion of the crops produced thereon, or the proceeds thereof. A person who receives a share of a crop merely for harvesting such crop shall not be considered a tenant.

**Farm** means, except as otherwise provided herein, all contiguous farm land in Tama County under the same ownership and operated by one person. The term "farm" means also all contiguous farm land in Tama County under the same ownership all or part of which is field rented to and operated by other persons. The term "farm" also means contiguous farm land in Tama County operated by one person but owned by either (1) a husband and wife, (2) brothers, (3) sisters, (4) one or more brothers and one or more sisters, (5) parent and one or more children.

**Tract** means such part of a farm in Tama County as is operated by a person who does not operate all of such farm.

**Cropland** means all tillable farm land from which at least one crop other than wild hay or bluegrass seed was harvested or planted for harvest between January 1, 1930, and December 31, 1936, inclusive, but excluding (1) any acreage devoted on January 1, 1937, to orchards, and (2) any acreage which would otherwise be classified as cropland but which because of its topography, soil type, or low fertility, it is impractical to cultivate.

**Noncrop plowable pasture** means any noncrop pasture land which could be brought under cultivation without clearing or draining, except that which, due to topography, soil type, or drainage, would be highly susceptible to erosion or crop failure if cultivated. The term "noncrop plowable pasture" shall include any noncrop land used for the production of wild hay.

**Orchards** means the entire acreage in tree fruits, nut trees, vineyards, bush fruits, and nursery stock on the farm on January 1, 1937, even though such acreage is interplanted with other crops.

**Commercial vegetables** means vegetables and truck crops (including Irish potatoes, sweetpotatoes, tomatoes, green beans, pumpkins, cucumbers, melons, cantaloupes, commercial bulbs and flowers, strawberries, and sweet corn, but excluding peas for canning and sweet corn for canning) of which the principal part is sold to persons not living on the farm.

**Intertilled crop limit** for a farm means the highest acreage which may be planted on such farm to the crops listed in Section 1 of Part III without a deduction being made from any payments which would otherwise be made with respect to such farm.

**Old conserving acreage** on a farm means the acreage upon such farm used in accordance with subsection A of Section 2 of Part III.

**New conserving acreage** on a farm means the acreage upon such farm used in accordance with subsection B of Section 2 of Part III.

**Total conserving acreage** means the sum of the new conserving acreage and the old conserving acreage.

**Soil-conserving goal** for a farm means the acreage established for such farm under Section 3 of Part II.

**Soil-conserving payment** means a payment for the establishment or maintenance of conserving acreage on a farm.

**Soil-building payment** means a payment for the carrying out of an approved soil-building practice.

## Part II. Establishment of Limits, Goals, and Productivity Indexes

**SECTION 1. County Intertilled Limit and Soil-Conserving Goal.**—The Agricultural Adjustment Administration has established for Tama County (a) a total acreage of intertilled crops which shall be known as the county intertilled limit, and (b) a total acreage of soil-conserving crops which shall be known as the county soil-conserving goal. Such limit and goal are based on the county limits established for Tama County under the 1936 Agricultural Conservation Program, the land measurements obtained pursuant to the 1936 Agricultural Conservation Program, and census reports. Such county intertilled limit is 133,654 acres and such county soil-conserving goal is 115,000 acres. The sum of the individual intertilled crop limits for all farms in Tama County shall not exceed the county intertilled limit and the sum of the individual soil-conserving goals for all farms in Tama County shall equal the county soil-conserving goal.

**SECTION 2. Intertilled Crop Limits.**—There shall be established for each farm in Tama County an intertilled crop limit. The intertilled crop limit for any farm shall represent the highest acreage on a farm which may be devoted to the uses specified in Section 1 of Part III without deduction from any payments which otherwise would be made with respect to such farm and shall be based upon such farm's productivity, topography, type of soil, size, degree of erosion, and ratio of other than conserving acreage planted in 1935 and 1936 to the acreage of cropland. The intertilled crop limit for a farm shall be comparable to the limit established for similar farms in the same community.

**SECTION 3. Soil Conserving Goals.**—There shall be established for each farm in Tama County a soil-conserving goal. The soil-conserving goal for a farm shall represent the acreage on such farm that should, according to good farming practice, be devoted to soil-conserving uses. The soil conserving goal shall be established for such farm on the basis of such farm's productivity, topography, type of soil, size, degree of erosion, and ratio of conserving acreage planted in 1935 and 1936 to the acreage of cropland. The soil-conserving goal for a farm shall be comparable to the goal established for similar farms in the same community.

**SECTION 4. Noncrop Plowable Pasture.**—There shall be established for each farm in Tama County the number of acres of noncrop plowable pasture on such farm. Such acreage shall not exceed the number of acres on noncrop land otherwise qualifying as noncrop plowable pasture not used in 1937 as set forth in Sections 1 and 3 of Part III. However, if the sum of such acreages for all farms in Tama County exceeds 20,000 acres, the acreage of noncrop plowable pasture for each farm for which a soil-building allowance will be computed shall be reduced so that the total for all farms does not exceed 20,000 acres.

**SECTION 5. Productivity Indexes.**—There shall be established a productivity index for each farm in Tama County. Such productivity index shall be based upon the normal yield of corn per acre for the farm as compared with the normal yield of corn per acre for Tama County. The normal yield of corn per acre for Tama County shall be 42.7 bushels. Where the corn yield does not accurately reflect the productivity index of a farm, the yield of such other crop as does accurately reflect the productivity of such farm shall be used, provided that the productivity index for such farm shall be adjusted, if necessary, so as to be fair and equitable as compared with the productivity indexes for other farms in the county having similar soils or productive capacities and as contrasted with other farms in the county having different soils and productive capacities.

**SECTION 6. Appeals.**—Any person who has reason to believe that the soil-conserving goal or intertilled crop limit established for such person's farm is not equitable, may request the county committee to reconsider its recommendations. If no agreement is reached between such person and such committee, an appeal may be taken to the State Committee in accordance with the instructions issued by the Director of the North Central Division.



### Part III. Classification of Farm Land

The use of farm land in Tama County in 1937 shall be classified as either intertilled, soil-conserving, or neutral, as set forth in this Part III. In order for any cropland, other than an entire field or a grassed waterway, to be classified as soil-conserving, such cropland must be in a solid block contiguous to the entire side or end of a field and the line between the cropland, classified as soil-conserving, and the remaining portion of the field must be straight. Any acreage upon which unadapted seed, or mixtures containing any unadapted seed, is planted in 1937 shall be classified as if such unadapted seed, or such mixtures, were not planted.

**SECTION 1. Intertilled.**—Farm land devoted to the following uses or planted in 1937 to the following crops shall be classified as intertilled:

1. Corn of all types.
2. Grain sorghums and sweet sorghums for grain.
3. Sorghums for hay or forage, soybeans, rape, sudan grass, and millet, unless followed in 1937 by a crop listed in subdivision (a) of subsection B of Section 2 of this Part III or by a winter cover crop.
4. Mangels and cow-beets.
5. Truck and vegetable crops.
6. Bulbs and flowers.

**SECTION 2. Soil-Conserving.**—Cropland in 1937 not used as set forth in items 1, 2, 4, 5, and 6 of Section 1 of this Part III and not planted to sorghums for hay or forage, soybeans, rape, sudan grass or millet, and devoted to the crops and uses specified in this Section 2 shall be classified as soil-conserving:

**A. Old Conserving.**—Cropland upon which there was a good stand on or after July 1, 1937, of any of the crops listed in subsection B of this Section 2 seeded before November 1, 1936. Old conserving acreage also includes any acreage of cropland on the farm upon which there was a good stand on or after August 1, 1937, of any of the crops listed in subdivision (a) of subsection B of this Section 2, which was self-seeded in the fall of 1936, and on which land no crop (other than any crop listed in subdivision (a) of subsection B of this Section 2) was planted for harvest as grain or hay in 1937.

#### B. New Conserving.

(a) Cropland upon which there is, on the date as of which final inspection is made for the purpose of determining performance, a good stand which would normally survive the winter of 1937-38 of any of the crops listed in items 1, 2, 3, 5, and 6 of this subsection (a) seeded with adapted seed between November 1, 1936, and October 31, 1937, inclusive, and cropland upon which there was a good stand on or after September 1, 1936, of annual sweet-clover seeded with adapted seed between November 1, 1936, and October 31, 1937; provided, there is evidence that the nurse crop, if any, was seeded at a rate not in excess of one-half the normal rate of seeding alone for grain and was not harvested for grain or hay.

1. Perennial legumes: alfalfa, and white clover.
2. Perennial grasses: bluegrass, timothy, reedtop, reed canary grass, orchard grass, Bermuda grass, brome-grass, crested wheat grass, slender wheat grass, western wheat grass, bluestem grasses, perennial ryegrass, meadow fescue.
3. Biennial legumes: sweet, red, alsike, and mammoth clovers.
4. Annual sweetclover.
5. Mixtures of legumes listed under items 1, 3, and 4 of this subdivision (a), or mixtures of such legumes and the grasses listed under item 2 of this subdivision (a).
6. Trees, other than fruit or nut trees, planted since January 1, 1934.

(b) Cropland upon which there has been incorporated into the soil as green manure by plowing or discing of a good green vegetative growth of close-drilled or broad-

cast soybeans, seeded before July 1, 1937, and followed by a winter cover crop.

**SECTION 3. Neutral.**—Farm land devoted in 1937 to uses other than those specified in Sections 1 and 2 of this Part III shall be classified as neutral.

### Part IV. Rates and Conditions of Payment

In connection with the utilization in 1937 of farm land in Tama County, payments will be made in the amounts and subject to the conditions hereinafter set forth.

**SECTION 1. Soil-Conserving Payments.**—Soil-conserving payments shall, subject to the provisions of Sections 5, 6, 8, and 9 of this Part IV, be made with respect to each farm as follows:

- (a) \$5.75 (multiplied by the productivity index for the farm) per acre for the new conserving acreage not in excess of the soil-conserving goal.
- (b) \$3.70 (multiplied by the productivity index for the farm) per acre for the old conserving acreage not in excess of the difference between the soil-conserving goal and the new conserving acreage for which payment is made.

*Provided, however,* if a crop other than one of the crops specified in Section 2 of Part III is planted on any noncropland on such farm, the amount of payment shall be determined as follows:

- (1) A payment of \$3.70 per acre (multiplied by the productivity index of the farm) shall be made for an acreage determined by subtracting from the old conserving acreage the acreage of noncropland planted to a crop other than a crop specified in Section 2 of Part III. The number of acres upon which payment may be made shall not exceed the difference obtained by subtracting the new conserving acreage from the soil-conserving goal.
- (2) A payment of \$5.75 per acre (multiplied by the productivity index for the farm) shall be made for an acreage determined by subtracting from the new conserving acreage the excess of the acreage of noncropland planted to a crop other than a crop specified in Section 2 of Part III over the old conserving acreage. The number of acres upon which payment may be made shall not exceed the soil-conserving goal.

**SECTION 2. Soil-Building Allowance.**—A soil-building allowance shall be established for each farm. This allowance shall be the maximum amount which may be earned in 1937 by the carrying out on a farm of any of the soil-building practices listed in Section 3 of this Part IV. The soil-building allowance for a farm shall be the sum of the following:

- (a) One dollar for each acre in the soil-conserving goal for such farm, or one dollar for each acre of cropland on such farm classified as soil-conserving in 1937, whichever is higher.
- (b) One dollar for each acre of cropland on such farm on which one or more crops of commercial vegetables were grown in 1936.
- (c) Seventy-five cents for each acre of noncrop plowable pasture land on such farm in 1937.

**SECTION 3. Soil-Building Payments.**—Soil-building payments will, subject to the provisions of Sections 5, 6, 8, and 9 of this Part IV, be made not in excess of the soil-building allowance for a farm, for the carrying out in 1937 on such farm under the conditions specified therefor of any of the soil-building practices listed in this Section 3. To be eligible for soil-building payments, the practices listed herein must be carried out by such methods and using such materials and with such kinds and quantities of adapted seed and trees as conform to good farming practice. No soil-building payment will be made with respect to any farm for the seeding of red clover, or any mixtures containing red clover, unless all seedings of red clover and any mixtures containing red clover on such farm in 1937 are made with adapted red clover seed, nor will any soil-building payment be made with respect to any farm for the seeding of alfalfa, or any mixtures containing alfalfa, unless all seedings of alfalfa



and any mixtures containing alfalfa on such farm in 1937 are made with adapted alfalfa seed. All practices for which payment is to be made must have been completed prior to November 1, 1937. Proof of performance for any practice shall consist of satisfactory evidence that the practice was completed in accordance with the conditions specified. A soil-building payment for any practice hereinafter set forth will not be made with respect to any acreage on the farm for which all or any portion of the labor, seed, or materials used for any practice is furnished free or paid for by any State or Federal agency, except that in the case of the soil-building practices designated under subsections (c) and (e) hereof, payment will be made at the stipulated rates on an acreage or quantity, which bears the same proportion to the total acreage or quantity with respect to such practice as the quantity of materials used, or the value of the labor and materials furnished by the owner or operator, bears to the total quantity of materials or the total value of labor and materials used in carrying out such practice.

Where several soil-building practices are adopted on the same acreage, payment will not be made for (1) more than one of the practices listed in subsections (c) to (f), inclusive, and (2) more than one practice twice, or any two practices of the eleven soil-building practices listed in subsections (a), (b), (g), and (h).

#### PRACTICES APPLICABLE TO ALL FARMS

(a) *Seedings of Adapted Legumes.*—Seedings of adapted seed of any of the following legumes on farm land:

- (1) Alfalfa—\$2.50 per acre.
- (2) Red Clover, mammoth, and white clover—\$2.00 per acre.
- (3) Alsike clover—\$1.50 per acre.
- (4) Legume mixtures or mixtures of legumes and the perennial grasses listed under subsection (b) hereof, which contain at least 50 percent by weight of alfalfa, red clover, white clover, alsike clover, and mammoth clover, or more than one of these legumes—\$1.50 per acre.
- (5) Biennial or annual sweetclover—\$1.00 per acre.
- (6) Legume mixtures or mixtures of legumes and the perennial grasses listed under subsection (b) hereof, except those qualifying under (a) (4) of this Section 3, which contain at least 50 percent by weight of alfalfa, red clover, white clover, alsike clover, mammoth clover, biennial sweetclover, and annual sweetclover, or more than one of these legumes—\$1.00 per acre.

(b) *Seedings of Adapted Perennial Grasses.*—Seedings of adapted seed of any of the following grasses on farm land:

- (1) Bluegrass and brome grass—\$2.00 per acre.
- (2) Orchard grass and permanent pasture mixtures of grasses or grasses and legumes containing at least 50 percent by weight of the grasses listed in item (1) of this subsection—\$1.50 per acre.
- (3) Timothy, redbud, and permanent pasture mixtures of grasses or grasses and legumes containing at least 50 percent by weight of bluegrass, brome grass, orchard grass, timothy, redbud, or more than one of these grasses, but which do not contain at least 50 percent of bluegrass, brome grass, and orchard grass—\$1.00 per acre.

(c) *Limestone.*—Application on cropland or noncrop pasture land of ground limestone or its equivalent:

- (1) Application of ground limestone or its equivalent—\$1.25 per ton. (The ground limestone should not be coarser than that obtained by grinding calcareous or dolomitic limestone so that not less than 90 percent with all finer particles obtained in the grinding process included, will pass through a ten-mesh sieve. It must contain calcium and magnesium carbonates equivalent to not less than 80 percent of calcium carbonate. The following quantities of other calcareous substances are equivalent to one ton of ground limestone: 1400 pounds of hydrated lime; 2 cubic yards of water softening process refuse lime.)

(d) *Phosphate.*—Application of the following minimum amounts of phosphate materials per acre on noncrop pasture

or on cropland used in 1937 for the growing of a crop, specified in Section 2 of Part III, and on which cropland or non-crop pasture in connection with such application no crop (other than those listed in subdivision (a) of subsection B of this Section 2) was planted in 1937.

(1) One hundred and thirty-three pounds of 20 percent superphosphate or its equivalent—\$1.00 per acre. (The 20 percent superphosphate designated in this subsection (d) shall contain 20 percent by weight of available phosphoric acid. Other phosphates may be substituted for 20 percent superphosphate, provided that the quantity of such substitute applied shall contain not less than the quantity by weight of available phosphoric acid contained in the specified quantity of 20 percent superphosphate.)

(e) *Planting and Protection of Trees.*—Planting and protection of forest trees and trees for windbreak or shelterbelt purposes in accordance with good tree culture practices—\$7.50 per acre, provided,

(1) in the case of forest planting there is on the date as of which final inspection is made for the purpose of determining performance on the farm, a stand of at least 650 living trees per acre; or if due to uncontrollable natural causes a stand of 650 living trees per acre is not obtained on the date as of which final inspection is made for the purpose of determining performance on the farm, there is satisfactory evidence that such trees were planted in accordance with good tree culture practice and that such trees have been properly protected;

(2) in the case of windbreak or shelterbelt plantings, there is on the date as of which final inspection is made for the purpose of determining performance on the farm, a stand of at least 300 living trees per acre; or if due to uncontrollable natural causes a stand of 300 living trees per acre is not obtained on the date as of which final inspection is made for the purpose of determining performance on the farm, there is satisfactory evidence that such trees were planted in accordance with good tree culture practice and that such trees have been properly protected.

(f) *Terracing.*—Terracing in 1937 of cropland or noncrop pasture land in accordance with good terracing practices—\$0.40 per hundred feet, provided, the county committee after inspection has approved and designated in writing the area on which such practice is to be carried out.

#### PRACTICES APPLICABLE ONLY TO CROPLAND USED FOR GROWING COMMERCIAL VEGETABLES

(g) *Non-Leguminous Green Manure Crop on Vegetable Land.*—Incorporation into the soil as green manure by plowing or discing of the entire vegetative growth of rye, oats, barley, annual grasses, or mixtures of these, grown on land used for the production of vegetable crops in 1936—\$1.00 per acre, provided, (1) such green manure crop has attained at least 60 days' growth, and (2) a good vegetative growth of such crop is incorporated into the soil.

(h) *Leguminous Green Manure Crop on Vegetable Land.*—Incorporation into the soil as green manure by plowing or discing of the entire vegetative growth of a legume, or mixture of legumes, grown on land used for the production of vegetable crops in 1936—\$2.00 per acre, provided, (1) such green manure crop has attained at least 60 days' growth, and (2) a good vegetative growth of such crop is incorporated into the soil.

SECTION 4. *Division of Payments and Deductions.*—Any payment or deduction computed for any person with respect to any farm in Tama County shall be computed for such person with respect to such farm according to the percentages specified in this Section 4. The calculation of payments for any farm shall be based only on the performance on such farm.

(a) The share of the owner of a farm, who is also the only operator of such farm, of any payment or deduction computed with respect to such farm shall be 100 percent.

(b) The share of the operator of a farm, who rents such farm from another person for cash or a fixed commodity payment, of any payment or deduction computed with respect to such farm shall be 100 percent.



(c) The share of the owner of a farm, who rents such farm to another person on shares, of any payment or deduction computed with respect to such farm shall be 50 percent.

(d) The share of the operator of a farm, who rents such farm from another person on shares, of any payment or deduction computed with respect to such farm shall be 50 percent.

(e) The share of the operator of a tract in a farm of any payment or deduction computed with respect to such farm, shall be 50 percent of the percentage that the cropland in such tract is of the total cropland in such farm.

(f) The share of the owner of a farm, which contains one or more tracts, of any payment or deduction computed with respect to such farm, shall be obtained by subtracting from 100 percent the sum of the percentages obtained, under subsection (e) of this Section 4, for all persons operating tracts in such farm.

#### SECTION 5. Deductions.—

(a) If the 1937 intertilled acreage on any farm with respect to which a person is owner or operator is in excess of the intertilled crop limit for such farm, a deduction will be made from any payment which would otherwise be made to such person with respect to any farms in Tama County. Such deduction shall be computed by multiplying the result obtained by multiplying such number of excess acres by \$9.25 (multiplied by the productivity index for such farm) by the percentage determined for such person for such farm under Section 4 of this Part IV.

(b) If the acreage of any noncropland planted to a crop other than a crop listed in subdivision (a) of subsection B of Section 2 of Part III on any farm with respect to which a person is owner or operator, is in excess of the total conserving acreage on such farm, a deduction will be made from any payment which would otherwise be made to such person with respect to any farms in Tama County in an amount computed by multiplying each acre of such excess by \$3.70 (multiplied by the productivity index for the farm) and then by multiplying the result so obtained by the percentage determined for such person for such farm under Section 4 of this Part IV.

SECTION 6. Adjustment in Rates.—All the rates and allowances specified in this Part IV are based upon an estimate of available funds and an estimate of participation. If participation in the North Central Region exceeds that estimated for such Region, all the rates and allowances specified in this Part IV may be reduced pro rata. If participation in the North Central Region is less than the estimate for such Region, all such rates and allowances may be increased pro rata. In no case will any rates or allowances be increased or decreased by more than 10 percent.

SECTION 7. Applicability to Farms Under Special Programs.—On any farm where a program is carried out in cooperation with the Soil Conservation Service or the Resettlement Administration, payment will be made only for such performance as is approved for the farm by the county committee in accordance with instructions issued by the Secretary.

SECTION 8. Payments Restricted to Effectuation of Purposes.—All or any part of any payment which otherwise would be made to any person with respect to any farm or farms may be withheld if any rotation, cropping, or other practices are adopted on any farm with respect to which such person is an owner or operator, which practices the Secretary determines tend to defeat the purposes of the 1937 Agricultural Conservation Program. If any person who has made an application for payment with respect to any farm or farms in Tama County has an interest as owner or operator in a farm in another county on which the acreage used for the production of soil-depleting crops in 1937 materially exceeds the acreage normally used for the production of any or all of such crops on such other farm or farms, the amount of any payment which otherwise would be made to such person may, in the discretion of the Secretary, be appropriately reduced.

SECTION 9. Association Expenses.—In determining the amount of payments under the 1937 Agricultural Conserva-

tion Program, there shall be deducted from any payment computed for any person with respect to any farm or farms in Tama County, all of such person's pro-rata share, or such part thereof as may be determined by the Secretary, of the estimated total administrative expenses incurred and to be incurred by the Association of Tama County in cooperating in carrying out the Soil Conservation and Domestic Allotment Act. Such pro-rata share shall be determined by multiplying the total payments computed for such person with respect to any farm or farms in Tama County by the percentage that the estimated total of administrative expenses of the Association for Tama County, as approved by the North Central Division for 1937, is of the total payments estimated by the North Central Division which will be made with respect to farms in Tama County in 1937. As provided in the Articles of Association, as amended, any person who previously has not become a member of the Association of the county in which his farm or farms are located shall become a member thereof by his signing an application for payment with respect to such farm or farms. There shall be credited for the payment of administrative expenses the sum of \$2.00 for each application for payment under which, prior to the deduction of any administrative expenses and as estimated by the Agricultural Adjustment Administration, the total payment will be \$20.00 or less or under which there will be no payment.

#### Part V. Miscellaneous Provisions

SECTION 1. Farm Land Across County Lines.—Any farm land which under the provisions of North Central Region Bulletin No. 101, As Amended, should be included in an application for payment by an operator in a county other than Tama County, shall not be deemed to be in Tama County. The farm, of which such land would be a part under the definition of a farm for Tama County, shall not be deemed to include such land. Any farm land which properly would be included in an application for payment by an operator in Tama County, if the provisions of NCR Bulletin No. 101, As Amended, were applicable in Tama County, shall be deemed to be in Tama County and shall be deemed to be a Tama County farm.

SECTION 2. Application and Eligibility for Payment.—Payments will be made only upon application therefor filed with the county committee. Each person applying for payment will be required to show the extent to which the conditions upon which the payment is to be made have been met. The payment for a person who is owner or operator with respect to one or more farms in Tama County shall, subject to the provisions of Section 8 of Part IV, be determined by taking the sum of such person's shares of the payments on all farms in Tama County with respect to which he is owner or operator, less the sum of his shares of all deductions for all farms in Tama County with respect to which he is owner or operator.

No payment will be made to any person if the total amount of payment computed for such person is less than fifty cents.

In order for any person to be eligible to make an application for payment with respect to a farm under the 1937 Agricultural Conservation Program in Tama County, such person must show that he owned or operated such farm, or operated a tract in such farm on June 30, 1937, and has been such owner or operator for a period of at least 60 consecutive days, which period must include June 30, 1937. In determining the number of days of ownership or operation, a fraction of a day will be considered as a whole day. In the event that more than one person has owned or operated a farm, or operated a tract in a farm on June 30, 1937, and for 60 consecutive days, the person who has owned or operated such farm or such tract prior to June 30, 1937, shall be regarded as the owner or operator of such farm or operator of such tract.

In the event of death, incompetency, abandonment, or discharge or release from a representative capacity, the period of ownership or operation may, upon recommendation of the county committee and upon approval by the Secretary



or his duly authorized representative, be computed as follows:

(a) *In the Event of Death.*—If, because of the death of any party owning or operating a farm, or operating a tract in a farm, the person, whether the deceased, his heir or heirs, or the duly appointed representative, if any, of such decedent's estate, who owns or operates such farm, or operates such tract on June 30, 1937, has not owned or operated such farm, or operated such tract for 60 consecutive days, the period of such person's ownership or operation of such farm or operation of such tract, shall be deemed to include the time of ownership or operation of such farm, or the operation of such tract by the deceased person, his heir or heirs, or the duly appointed representative, if any, of his estate.

(b) *In the Event of Incompetency.*—If, because of the adjudication of incompetency of any person owning or operating a farm, or operating a tract in such farm, the person, whether the person who has been adjudicated incompetent, his relative or relatives, or his duly appointed representative, if any, who owns or operates such farm, or operates such tract on June 30, 1937, has not owned or operated such farm or operated such tract for 60 consecutive days, the period of such person's ownership or operation of such farm, or operation of such tract shall be deemed to include the time of ownership or operation of such farm or operation of such tract by the person who was adjudicated incompetent, his relative or relatives, or his duly appointed representative, if any.

(c) *In the Event of Abandonment.*—If, because of abandonment by any party owning or operating a farm, or operating a tract in a farm, the person, whether the person who has abandoned the farm or tract, his relative or relatives, or his duly appointed representative, if any, who owns or operates such farm, or operates such tract on June 30, 1937, has not owned or operated such farm or operated such tract for 60 consecutive days, the period of such person's ownership or operation of such farm, or operation of such tract, shall be deemed to include the time of ownership or operation of such farm or operation of such tract by the person who has abandoned such farm, his relative or relatives, or his duly appointed representative, if any.

(d) *In the Event of Discharge or Release from Representative Capacity.*—If, because of the discharge or release from a representative or fiduciary capacity of any party owning or operating a farm, or operating a tract in a farm, the person, whether the representative or fiduciary who has been discharged or released from his representative or fiduciary capacity, or the person or persons who succeed such representative as owner or operator, who owns or operates such farm or operates such tract on June 30, 1937, has not owned or operated such farm or operated such tract for 60 consecutive days, the period of such person's ownership or operation of such farm, or operation of such tract shall be deemed to include the time of ownership or operation of such farm or operation of such tract by the representative or fiduciary capacity and the person or persons who succeed such representative or fiduciary as owner or operator of such farm, or operator of such tract.

No soil-building payment will be made to the person who is regarded as the owner or operator of a farm or operator of a tract for any soil-building practices carried out on such farm after he has ceased to own or operate such farm or operate such tract.

**SECTION 3. Persons Eligible to Execute an Application for Payment and Receive Payment Thereunder upon Happening of Certain Contingencies on or after July 1, 1937:**

(a) *In the Event of Death.*—If an owner or operator of a farm, or the operator of a tract in a farm, dies on or after July 1, 1937, and before making an application for payment with respect to such farm, the administrator or executor appointed by a court of competent jurisdiction for such decedent's estate shall be eligible to make an application for payment with respect to such farm, in lieu of such decedent.

If an administrator or executor is not appointed for such estate, all the heirs of such decedent will be eligible to make application for payment with respect to such farm. If, prior to his death, the decedent had made an application for payment but did not receive the payment thereunder, such payment will be made to the administrator or executor appointed by a court of competent jurisdiction for such estate. If an administrator or executor is not appointed for such estate, such payment will be made to all the heirs of such decedent.

(b) *In the Event of Incompetency.*—If an owner or operator of a farm, or the operator of a tract in a farm is adjudged incompetent by a court of competent jurisdiction on or after July 1, 1937, and before making an application for payment with respect to such farm, the guardian or committee appointed by a court of competent jurisdiction for such incompetent's estate shall be eligible to make application for payment with respect to such farm in lieu of the incompetent. If the person adjudicated incompetent had, prior to such adjudication, made application for payment but did not receive the payment thereunder, such payment will be made to the guardian or committee appointed by a court of competent jurisdiction for such incompetent's estate.

(c) *In the Event of Abandonment.*—If an owner or operator of a farm, or the operator of a tract in a farm, abandons such farm or such tract on or after July 1, 1937, and before making an application for payment with respect to such farm, the person appointed by a court of competent jurisdiction to control and conserve the assets of the abandoned estate shall be eligible to make an application for payment with respect to such farm in lieu of the person who abandons such farm. If, prior to his abandonment, the person who abandons such farm or such tract had made an application for payment, but did not receive the payment thereunder, such payment will be made to the person appointed by a court of competent jurisdiction to control and conserve the assets of such abandoned estate.

(d) *In the Event of Discharge or Release from Representative Capacity.*—If an administrator, executor, trustee, guardian, committee, receiver, conservator, or other representative or fiduciary who is the owner or operator of a farm, or the operator of a tract in a farm, is discharged or released from such representative or fiduciary position by a court of competent jurisdiction on or after July 1, 1937, and before making an application for payment, the person or persons who succeed such representative or fiduciary as owner or operator of such farm, or as operator of such tract, will be eligible to execute an application for payment with respect to such farm in lieu of the representative or fiduciary who has been discharged or released. If, prior to his discharge or release, the person who has been discharged or released from his representative or fiduciary position, had made an application for payment but did not receive the payment thereunder, such payment will be made to the person or persons who succeed such representative as owner or operator of such farm or as operator of such tract.

In testimony whereof H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 19th day of April, 1937.

[SEAL]

H. A. WALLACE,  
Secretary of Agriculture.

[F. R. Doc. 37-1171; Filed, April 20, 1937; 12:53 p. m.]

WR-B-101—Weber and Davis Counties—Utah Issued April 20, 1937  
1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

BULLETIN NO. 101—WEBER AND DAVIS COUNTIES—UTAH

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, payments will be made in connec-



tion with the effectuation of the purposes of section 7 (a) of the said act in 1937, in accordance with the provisions of this Western Region Bulletin No. 101—Weber and Davis Counties—Utah, and such modifications or other provisions as may hereafter be made.

The 1937 agricultural conservation program has been developed in accordance with the provisions of sections 8, 15, and 16 of the Soil Conservation and Domestic Allotment Act, but the payment of any benefits pursuant to the provisions of this announcement is contingent upon such appropriation, if any, as the Congress of the United States may hereafter make for such purpose, and the amounts of such payments will be finally determined by such appropriation and the extent of participation in the program. The rates of payments, deductions, and allowances herein set out are computed upon the basis of an appropriation of \$500,000,000 and 85 percent participation. Such rates of payments, deductions, and allowances may be increased or decreased, depending upon the extent of participation in the Western Region, but such variations will not be in excess of 10 percent.

#### Part I. Definitions

As used herein and in all forms and documents relating to the 1937 agricultural conservation program in Weber and Davis Counties, Utah, the following terms shall have meanings ascribed to them as follows:

*Secretary* means the Secretary of Agriculture of the United States.

*Western region* means the area included in the States of North Dakota, Kansas, Colorado, Wyoming, Montana, New Mexico, Arizona, California, Utah, Nevada, Idaho, Oregon, and Washington.

*Western division* means the division of the Agricultural Adjustment Administration in charge of the 1937 agricultural conservation program in the Western Region.

*State committee* or *State agricultural conservation committee* means the group of individuals designated to assist in the Administration of the 1937 agricultural conservation program in Utah.

*County committee* or *county agricultural conservation committee* means the group of individuals designated for a county to assist in the administration of the 1937 agricultural conservation program in such county.

*Person* means an individual, partnership, association, or corporation, and wherever applicable, a State, a political subdivision of a State or any agency thereof, or any other governmental agency that may be designated by the Secretary.

*Owner* means a person who owns land which is not rented to another for cash, for a fixed commodity payment, or for the crop from a fixed acreage; or who rents land from another for cash, for a fixed commodity payment, or for the crop from a fixed acreage; or who is purchasing land on installments for cash, for a fixed commodity payment, or for the crop from a fixed acreage, or for a share of the crop.

*Operator* means a person who, as owner or share tenant, is operating a farming unit and is entitled to receive all or a portion of the crops produced thereon, or the proceeds thereof.

*Share tenant* means a person other than an owner who is operating a farm and is entitled to receive a portion of the crops produced thereon, or the proceeds thereof. If a share tenant sublets a farm to another person, and both such persons are entitled to share in the crops produced thereon, or the proceeds thereof, both shall be deemed share tenants.

*Farm* means all tracts of farm land in the same county under the same ownership, operated as all or part of a single farming unit by the same operator in 1937.

*Farming unit* means all land which is farmed by an operator in 1937 as a single unit, with work stock, farm machinery, and labor substantially separate from that for any other land.

*Cropland* means all farm land which has been tilled and from which at least one crop, other than wild hay, was harvested or planted for harvest between January 1, 1930,

and January 1, 1937, and all other farm land devoted on January 1, 1937, to orchards or vineyards, other than those abandoned.

*Soil-depleting base* means the total number of acres established for the farm as the acreage normally used for the production of soil-depleting crops thereon.

*Soil-conserving base* means the number of acres obtained by subtracting the soil-depleting base from the total number of acres of cropland excluding the acreage devoted to commercial orchards on January 1, 1937.

*Diversion payment* means a payment for the diversion of acreage from any soil-depleting base and may be referred to as a class I payment.

*Sugar beet payment* means a payment made with respect to land on which sugar beets are grown in 1937 and may be referred to as a class I payment.

*Soil-building payment* means a payment for the carrying out of approved soil-building practices and may be referred to as a class II payment.

*Soil-building allowance* means the largest amount for any farm which may be earned as a soil-building payment on such farm.

*Non-crop pasture land* means farm land, other than cropland or range land, fenced, and used exclusively for pasture.

*Range-building payment* means a payment for the carrying out of approved range-building practices.

*Range-building allowance* means the largest amount for any ranching unit which may be earned as a range-building payment on such ranching unit.

*Ranch operator* means a person who as owner, cash tenant, or share tenant, operates, or a person who acts in similar capacity in the operation of, a ranching unit.

*Range land* means any land, other than that owned or controlled by the United States Government, or any agency thereof, in which a ranch operator has such a legal estate or interest as to give him control thereof, which produces forage for range livestock without cultivation or general irrigation, ten acres or more of which are required to graze one animal unit.

*Ranching unit* means all range land which is used by the ranch operator as a single unit in producing range livestock, with farm machinery, work stock, and labor substantially separate from that of any other range land.

*Animal unit* means one cow, one horse, five sheep, five goats, or the equivalent thereof.<sup>1</sup>

*Grazing capacity of range land* means that number of animal units which such land will sustain, on a twelve-month basis, over a period of years without injury to the range, forage, tree growth, or watershed.

*Diversion farm* means any farm with respect to which the soil-depleting base is equal to, or in excess of, both 20 acres and 20 percent of the total cropland on the farm. Upon recommendation of the county committee and the State committee, the Secretary may designate for any county, or other area, a different basis for determining diversion farms.

*Non-diversion farm* means any farm which is not a diversion farm.

*Commercial orchards* means the acreage in tree fruits, planted nut trees, vineyards, hops, or bush fruits on the farm on January 1, 1937, from which the principal part of production is normally sold, including also the acreage of young non-bearing orchards from which the principal part of production will be sold.

*Commercial vegetables* means the acreage of vegetables or truck crops (including potatoes, sweet potatoes and strawberries, but excluding sweet corn for canning and peas for canning) from which the principal part of production was sold off the farm.

#### Part II. Rates and Conditions of Diversion and Sugar Beet Payments

Payment will be made in connection with the utilization in 1937 of the land on any farm in Weber and Davis Coun-

<sup>1</sup> Two yearlings equal one cow or one horse. A calf or a colt shall be classed as a yearling, and a lamb shall be classed as a mature sheep, after January 1 of the year following its birth.



ties, Utah, at the rates and subject to the conditions set forth herein:

**SECTION 1. Diversion Payments.**—With respect to diversion farms, payment will be made for each acre diverted in 1937 from the soil-depleting base established for the farm, not in excess of fifteen percent of such base, at an average rate for the United States of \$6.00 per acre, varying among individual farms as the productivity of the cropland on the farm varies from the average productivity of all such cropland in the United States.<sup>1</sup>

**SEC. 2. Sugar Beet Payments.**—Payment will be made with respect to the acreage of sugar beets grown on a farm in 1937, not in excess of the sugar beet acreage allotment for the farm, at a rate per acre equal to 12½ cents for each 100 pounds, raw value, of sugar commercially recoverable from the normal yield per acre of sugar beets for the farm; provided, that such practices with relation to sugar beets are carried out on such farm in 1937, as follows:

A. An acreage equal to not less than 40 percent of the 1937 acreage of sugar beets is devoted to soil-conserving crops on the farm in 1937 on land which is customarily used in a rotation with sugar beets; or

B. Both of the following:\*

1. Sugar beets are grown in 1937 only on land not devoted to sugar beets in more than two of the three years 1934, 1935, and 1936, and

2. An acreage equal to not less than 20 percent of the 1937 acreage of sugar beets is devoted to soil-conserving crops on the farm in 1937 on land which is customarily used in a rotation with sugar beets.

Provided, however, that if either 1 or 2 alone is performed, the payment will be one-half of the payment that would otherwise be made.

The acreage allotment with respect to which the sugar beet payment will be made will be the acreage of sugar beets grown on the farm in 1937, unless the estimated total acreage of sugar beets for harvest in the United States in 1937 exceeds the acreage determined by the Agricultural Adjustment Administration to be required with normal yields to produce 1,550,000 short tons, raw value, of sugar. In the event the estimated total acreage of sugar beets planted for harvest in the United States in 1937 exceeds the acreage so determined, the acreage allotment for the farm shall be that percentage of the acreage of sugar beets grown on the farm in 1937 which is computed by dividing the acreage so determined to be required to produce 1,550,000 short tons, raw value, of sugar by the total acreage of sugar beets planted for harvest in the United States in 1937.

### PART III. Rates and Conditions of Soil-Building Payment.

**SEC. 1. Soil-Building Practices and Rates.**—Payment will be made for carrying out on cropland or on non-crop pasture land in 1937 any of the soil-building practices listed below, provided that the soil-building payment with respect to any farm shall not exceed the soil-building allowance for the farm. The soil-building practices prescribed in this section shall not be eligible for payment unless such practices are carried out in a locality where, in the determination of the State committee, such practices are desirable from the standpoint of agricultural conservation and are carried out in conformity with methods generally recognized as desirable for the locality, and which tend to effectuate the purposes of the 1937 agricultural conservation program. Payments will not be made for more than one practice carried out on the same acreage in 1937, except that payments will be made for the practice prescribed in Item H in addition to any one of the practices prescribed in Items A, B, C, E, and N; and payments will be made for the practice prescribed in Item O, in addition to any of the practices prescribed in Items A, B, C, D, E, H, J, K, and L.

<sup>1</sup>The methods to be followed in determining the productivity of the cropland on the farm are contained in Western Region Bulletin No. 102.

### Practices and Conditions—Rate of Payment

**A. Perennial Legumes**, including alfalfa, white clover, and such other perennial legumes as are approved by the Director of the Western Division.

1. Seeding and establishment of a good stand on cropland in 1937, when good seed of an adapted variety is used, either alone or with a nurse crop which is not harvested for grain or hay: \$4.00 per acre.

2. Seeding on cropland in 1937, when good seed of an adapted variety is used under either of the following conditions: \$2.50 per acre:

a. Without establishment of a good stand, if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand, if seeded with a nurse crop which is harvested for grain or hay.

**B. Biennial Legumes** (except sweet clover), including red clover, alsike clover, and Mammoth clovers, and such other biennial legumes as are approved by the Director of the Western Division.

1. Seeding and establishment of a good stand on cropland in 1937, when good seed of an adapted variety is used, either alone or with a nurse crop which is not harvested for grain or hay: \$3.00 per acre.

2. Seeding on cropland in 1937, when good seed of an adapted variety is used under either of the following conditions: \$2.00 per acre:

a. Without establishment of a good stand, if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand, if seeded with a nurse crop which is harvested for grain or hay.

**C. Sweet Clover**, and such annual legumes as are approved by the Director of the Western Division.

1. Seeding and establishment of a good stand on cropland in 1937, either alone or with a nurse crop which is not harvested for grain or hay: \$2.00 per acre.

2. Seeding on cropland under either of the following conditions: \$1.00 per acre:

a. Without establishment of a good stand if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand, if seeded with a nurse crop which is harvested for grain or hay.

**D. Perennial grasses**, including bluegrass, orchard, brome, grama, wheat grasses (except crested wheat grass), rye grasses, Reed's canary grass, timothy, reedtop, meadow fescue, and such other perennial grasses as are approved by the Director of the Western Division.

1. Seeding and establishment of a good stand on cropland in 1937, either alone or with a nurse crop which is not harvested for grain or hay: \$3.50 per acre.

2. Seeding on cropland in 1937, under either of the following conditions: \$2.00 per acre:

a. Without establishment of a good stand if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand if seeded with a nurse crop which is harvested for grain or hay.

**E. Mixtures of Grasses and Legumes** recommended by the State Experiment Station and approved by the State committee.

1. Seeding and establishment of a good stand on cropland in 1937, either alone or with a nurse crop which is not harvested for grain or hay: \$3.50 per acre.

2. Seeding on cropland in 1937, when seeded under either of the following conditions: \$2.00 per acre:

a. Without establishment of a good stand if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand if seeded with a nurse crop which is harvested for grain or hay.

**F. Crested Wheat Grass** seeded on cropland in 1937: \$3.00 per acre.

**G. Restoration of Land to Native Grasses** on which a crop was harvested or seeded for harvest at least once since January 1, 1930, and which, in accordance with good farming practices should be permanently devoted to grass; Provided, that

1. The operator and owner have designated the acreage and stated his or their intention to restore such acreage to grass; \$0.25 per acre;

2. Approval has been obtained from the county committee;

3. Such land is not pastured, cropped or tilled in 1937; and

4. Any volunteer growth containing noxious weeds is clipped before formation of viable seeds.

**H. Application of Soil Amendments.**—Superphosphate applied to cropland seeded to perennial or biennial legumes in 1937, at a rate per acre of not less than 60 pounds of available P<sub>2</sub>O<sub>5</sub>: \$2.25 per acre.

**I. Approved Summer Fallow**, embodying seasonal cultivation in 1937 in a manner which will leave a rough and cloddy surface



without previous destruction of crop residue, and sufficient subsequent cultivation to prevent vegetative growth, provided no soil-depleting crop is grown for harvest in 1937 on such acreage: \$0.50 per acre.

#### J. Green Manure Crops.—

1. Annual legumes including vetches, clovers, beans, peas, and grain and legume mixtures, and such other annual legumes as are approved by the Director of the Western Division, when seeded on irrigated cropland or interplanted in orchards, if turned under in the spring of 1937 after having attained a vigorous vegetative growth, or when seeded in the spring if turned under, after having attained a minimum of two months' unpastured growth: \$2.00 per acre.

2. Perennial and biennial legumes including alfalfa and sweet clover and such other legumes as are approved by the Director of the Western Division, when grown on irrigated cropland and a good stand is turned under after having attained a minimum of two months' unpastured growth in 1937: \$2.00 per acre.

3. Perennial and biennial legumes including alfalfa and sweet clover, and such other legumes as are approved by the Director of the Western Division, when grown in orchards and full growth of a good stand is mechanically incorporated into the surface soil in 1937 provided no part of the year's growth is removed from the land where grown, either mechanically or by pasture: \$1.00 per acre.

4. Small grains, including rye, oats, barley and grain mixtures, and such other small grains as are approved by the Director of the Western Division, when seeded on irrigated cropland or interplanted in orchards if turned under in 1937 during or prior to the blooming stage: \$1.00 per acre.

#### K. Forest trees.—

1. When planted on cropland in 1937, for woodlot purposes, if not less than 400 trees are planted per acre: \$10.00 per acre.

2. When planted on cropland in 1937, for windbreak purposes, when planted in rows at right angles to the direction of the prevailing winds, providing trees are spaced not more than 8 feet apart in rows 6 to 10 feet apart: \$0.06¼ per rod-row.

3. Maintaining forest trees planted since January 1, 1934 by cultivation of interspaces and replacement of any dead trees to not less than 200 living trees per acre at the time performance is determined: \$4.00 per acre.

#### L. Perennial Weed Control.<sup>1</sup>—

1. Chemical treatment, when after obtaining the prior approval of the county committee, seriously infested areas are controlled by the application of chemicals in accordance with specifications issued by the Director of the Western Division: \$10.00 per acre.

2. Periodic cultivation, when after obtaining the prior approval of the county committee, seriously infested areas are controlled by bi-weekly cultivations, in accordance with specifications issued by the Director of the Western Division: \$5.00 per acre.

M. Prevention of Water Erosion.—When, after prior approval by the county committee of proposed plans submitted by the operator, water erosion control practices are carried out in 1937, as follows:

1. For furrowing on the contour, furrows to be not less than 8 inches in width and 4 inches in depth, dammed at intervals of not more than 100 feet, and constructed at intervals so as to result in vertical distances between the furrows, not to exceed one-foot drop on 2 percent slope, two-foot drop on 4 percent slope, three-foot drop on 8 percent slope, or four-foot drop on 12 percent slope: \$0.05 per 100 linear feet of furrowing not to exceed \$2.00 per acre.

2. For constructing and maintaining permanent dams for diversion of flood waters, or for filling shallow gullies, not more than four feet deep, when accompanied by the construction of adequate dams to prevent washing out: \$0.15 per cubic yard of fill.

N. Reseeding Non-Crop Pasture Land.—For reseeding depleted non-crop pasture land with good seed of adapted varieties of perennial grasses or mixtures recommended by the State Experiment Station and approved by the State committee: \$0.20 per pound of seed sown, not to exceed \$2.00 per acre.

O. Prevention of soil erosion and leaching of plant food, from irrigated land by control of the application of irrigation water; provided, (a) the water distribution system and control structures meet specifications recommended by the State committee and approved by the Director of the Western Division and are such

as to make possible adequate control of irrigation water applications, (b) the water distribution system and control structures, as well as the number of acres to be irrigated in accordance with this practice, are approved by the county committee prior to the irrigation season, (c) the operator of the farm keeps accurate records of the use of water and crop/s seeded on each field in the area approved for irrigation (these records of water use and crop/s seeded shall be kept on forms to be prescribed by the State committee and approved by the Director of the Western Division, and shall be made available to the county committee for the determination of performance), (d) erosion has not occurred as a result of too frequent application of water on the area approved for irrigation; and further provided that: \$2.00 per acre:

1. No single application of water on the area approved for irrigation exceeds six inches in depth; except that if

2. One, but not more than one, application of water on the area approved for irrigation exceeds six inches but does not exceed seven inches, payment will be made at two-thirds of the full rate;

3. One, but not more than one, application of water on the area approved for irrigation exceeds seven inches but does not exceed eight inches, payment will be made at one-third of the full rate.

SEC. 2. Soil-Building Allowance.—The soil-building allowance for a farm shall be computed as follows:

A. For a diversion farm, \$10.00 or the sum of the following items, whichever is greater:

1. \$1.00 for each acre of soil-conserving crops on the farm in 1937 not in excess of the soil-conserving base.

2. \$4.00, varying among individual farms as the productivity of the cropland on the farm varies from the average productivity of all such cropland in the United States,<sup>1</sup> for each acre diverted for payment from the soil-depleting base.

3. Eighty cents, varying among individual farms as the productivity of the cropland on the farm varies from the average productivity of all such cropland in the United States,<sup>1</sup> for each acre devoted to commercial orchards on the farm.

4. \$1.00 for each acre of commercial orchards on the farm.

5. \$1.00 for each acre of cropland on which only one crop of commercial vegetables was grown in 1936.

6. \$2.00 for each acre of cropland on which two or more crops of commercial vegetables were grown on the same acreage in 1936.

7. Fifty cents for each animal unit, in excess of five, which the non-crop pasture land on the farm will carry during the normal pasture season.

B. For a non-diversion farm, \$20.00 or the sum of the following items, whichever is greater:

1. Eighty cents, varying among individual farms as the productivity of the cropland on the farm varies from the average productivity of all such cropland in the United States, for each acre of cropland on the farm in 1937.<sup>1</sup>

2. \$1.00 for each acre of commercial orchards on the farm.

3. \$1.00 for each acre of cropland on which only one crop of commercial vegetables was grown in 1936.

4. \$2.00 for each acre of cropland on which two or more crops of commercial vegetables were grown on the same acreage in 1936.

5. Fifty cents for each animal unit, in excess of five, which the non-crop pasture land on the farm will carry during the normal pasture season.

#### Part IV. Rates and Conditions of Range-Building Payments

SEC. 1. Range-Building Practices and Rates.—Payment will be made for the carrying out on range land in 1937 such of the following range-building practices as are approved by the county committee for the ranching unit, prior to their institution:

##### Practices and Conditions—Rate of Payment

A. Contouring.—For furrowing on the contour, furrows to be not less than 8 inches in width and 4 inches in depth, dammed at intervals of not more than 100 feet, and constructed on slopes

<sup>1</sup> Payment for the adoption of perennial weed control practices shall be limited to control of the following noxious weeds: White top, Wild morning glory, Canada thistle, Russian knapweed, and Perennial sow thistle.

<sup>1</sup> The methods to be followed in determining the productivity of the cropland on the farm are contained in Western Region Bulletin No. 102.



in excess of 2 percent, with intervals between furrows not more than 25 feet: \$0.50 per acre.

**B. Development of springs and seeps.**—For digging out each spring or seep, protecting the source from trampling, and conveying the water in a trough or in a pipe to a tank, watering trough, or reservoir: \$50.00 per spring or seep.

**C. Earthen pits or reservoirs for holding run-off and impounding precipitation.**—For constructing earthen pits or reservoirs, with spillways adequate to prevent dams from washing out, in accordance with specifications issued by the Director of the Western Division: \$0.15 per cubic yard of fill or excavation.

**D. Wells.**—For drilling or digging of wells, including deepening of existing wells, casing to be not less than 4 inches in diameter, provided a windmill or power pump is installed, and the water is conveyed to a tank or storage reservoir. An artesian well may qualify for payment provided adequate stock water is made available during the grazing season and the water is conveyed to a tank or storage reservoir: \$1.00 per linear foot.

**E. Water Spreading to Prevent Soil Washing.**—For construction and maintaining permanent ditching for the diversion of surface water to prevent soil washing, not including any temporary field ditching or any ditching for the purposes of irrigation, sub-surface drainage or under-drainage, or primarily for any purpose other than the prevention of soil washing: \$0.10 per 100 linear feet of permanent ditching. (See Farmers' Bulletin No. 1606, "Farm Drainage," published by the U. S. Department of Agriculture).

**F. Range Fences.**—For building cross fences or drift fences, constructed as follows: (a) not fewer than three tightly stretched wires, attached to posts set not more than 20 feet apart, with corner posts well braced, or (b) not fewer than three poles, or rails, nailed, with nails not smaller than 40-penny spikes, to posts or jacks spaced not more than 18 feet apart; all corner posts, poles, rails, and jacks to be good and sound: \$0.30 per rod.

**G. Rodent Control.**—For destroying at least 90 percent of the range-destroying rodents on an infested area as follows:

1. Pocket Gophers: \$0.15 per acre.
2. Ground Squirrels: \$0.06 per acre.
3. Prairie Dogs: \$0.07½ per acre.

**H. Reseeding.**—For reseeding depleted range land in 1937 with good seeds of adapted varieties of perennial grasses approved by the Director of the Western Division: \$0.20 per pound of seed sown.

**I. Fireguards.**—For the establishment of fireguards, not less than 4 feet in width, by plowing furrows or otherwise exposing the mineral soil: \$0.03 per 100 linear feet.

**J. Natural Reseeding by Deferred Grazing.**—Payment will be made for withholding range land from grazing for the period (from the start of forage growth to seed maturity) established by the State committee, at a rate of 35 cents per full month or such period for each animal unit of that number of animal units, not in excess of 25 percent of the grazing capacity, which is the same percentage of the grazing capacity of the ranching unit as the acreage upon which grazing is deferred is of the total acreage of range land in the ranching unit. Payment will not be made for this practice if, (1) the operator permits the remainder of the range land in the ranching unit to be grazed to an extent that causes deterioration of such range land, or (2) the deferred grazing is carried out on range land in the ranching unit which normally is not used for grazing during such period: \$0.35 per animal unit for each full month.

**SEC. 2. Range-Building Allowance.**—The range-building allowance for any ranching unit shall be equal to \$1.50 times the grazing capacity of the range land in the ranching unit.

**SEC. 3. Range-Building Payment.**—Payments made for carrying out range-building practices shall not be subject to deductions for increase in the acreage of soil-depleting crops.

**SEC. 4. Eligibility for Payment.**—Application for range-building payment may be made only by ranch operators. In case there are two or more ranch operators, the application must be made by all the ranch operators.

Range-building payments will be made to (1) a sole ranch operator or (2) each ranch operator of a group of two or more ranch operators; Provided, all ranch operators signify in the application for payment a percentum of the total payment under the application for payment to be made to each ranch operator.

#### Part V. Division of Payments

**SEC. 1. Division of Payments Between Owner and Operator.**—

A. All payments, except sugar beet and range-building payments, shall be divided among owners and share-tenants, in the same proportion as the principal crop or the proceeds thereof is divided under their lease or operating agreement. The term "principal crop" as used herein means the soil-depleting crop to which the greatest number of acres on the farm is devoted in 1937; Provided, however, That

1. If there is no soil-depleting crop which has a larger acreage in 1937 than any other soil-depleting crop, the principal crop shall be the soil-depleting crop which is of major importance in terms of acreage in the county in which such farm is located.

2. If there is no soil-depleting crop seeded on the farm for harvest in 1937, the principal crop shall be the soil-conserving crop having the largest 1937 acreage.

Upon recommendation of the State Committee or the Agricultural Adjustment Administration, and approval by the Secretary, a different basis for determining the principal crop may be employed.

B. The sugar beet payments shall be divided among owners and share-tenants in the same proportion as the sugar beet crop, or the proceeds thereof, is divided under their lease or operating agreement.

C. All payments shall be made without regard to questions of title under State law, without deductions of claims for advances, and without regard to any claim or lien against the crop, or proceeds thereof, in favor of the owner or any other creditor.

**SEC. 2. 1937 Owner or Operator Entitled to Payments.**—All payments, except sugar beet and range-building payments, shall be made to the 1937 owner or operator who shares in the principal crop on the farm in 1937. However, if the county committee determines that a 1937 operator of a farm, who did not share in such principal crop, did contribute as an operator to performance on the farm qualifying for such payments, such operator shall be entitled to such portion of the operator's share of the payment to be made with respect to the farm as is agreed upon in writing by the operators entitled to share in such payments and is approved by the county committee, or as is determined by the county committee in the absence of such agreement.

#### Part VI. General Conditions for Payment

**SEC. 1. Modifications for Farms under Special Programs.**—On any farm where a program is carried out in cooperation with the Soil Conservation Service or the Resettlement Administration, payment will be made only for such diversion and for carrying out such soil-building practices as are, prior to performance, approved for the farm by the County Committee in accordance with instructions issued by the Secretary.

**SEC. 2. Destruction of Foods, Fibers, and Feed Grains.**—Notwithstanding any of the provisions of Parts II, III, and IV, of this bulletin no payments will be made for changes in the use of land which involve the destruction of foods, fibers, or feed grains.

**SEC. 3. Payments Restricted to Effectuation of Purposes of the Program.**—Notwithstanding any of the provisions of Parts II, III, and IV of this bulletin, payment will be withheld if the Secretary determines that any rotation, cropping, or other practices adopted in 1937 tend to defeat the purposes of the 1937 Agricultural Conservation Program.

**SEC. 4. Deductions for Increase in Acreage of Soil-Depleting Crops.**—If the 1937 acreage of soil-depleting crops on any farm is in excess of the soil-depleting base for the farm, a deduction shall be made from the payment which otherwise would be made with respect to such farm in an amount computed by multiplying the number of such excess acres by the rate per acre determined for the farm under Section 1 of Part II; Provided, however, that if the soil-depleting base for the farm is less than 20 acres, such deduction shall be computed only with respect to the 1937 acreage of soil-depleting crops in excess of 20 acres.

**SEC. 5. Change in Lease or Cropping Agreements Affecting Payments to Tenants.**—If the Secretary, upon the basis of an investigation by the State Committee, finds that any person has for 1937 made any change from the 1935 or 1936 leasing or cropping agreement for the farm for the purpose of, or which would have the effect of, diverting to such person any payment to which tenants would be entitled if the 1935 or 1936 leasing or cropping agreement were in effect for 1937, the amount of any payment which otherwise would



be made to such person may be withheld, in whole or in part, and payments may be made to, or divided among, such tenants in proportion to the share of the principal crop to which such tenants were entitled under the 1935 or 1936 leasing or cropping agreement.

**SEC. 6. Practices Not Qualifying for Payment.**—

A. No payment will be made with respect to any soil-building or range-building practice unless it is carried out in accordance with the general standards of good farming or good ranching practices.

B. No payment shall be made with respect to any soil-building or range-building practice for which the labor, seed, or materials are furnished by any State or Federal agency.

**SEC. 7. Association Expenses.**—There shall be deducted pro rata from the payments made to members of each County Agricultural Conservation Association all or such part as the Secretary may prescribe, of the estimated administrative expenses incurred or to be incurred by such Association in cooperating in carrying out in such county the purposes of the Soil Conservation and Domestic Allotment Act.

There shall be credited to each County Agricultural Conservation Association for the payment of administrative expenses the amount of \$2.00 per farm for that number of farms with respect to which it is estimated by the Agricultural Adjustment Administration the total payment (prior to deduction of any administrative expenses) will be \$20.00 or less.

**SEC. 8. Application and Eligibility for Payment.**—

A. Payments will only be made upon application filed with the county committee. Each person applying for a payment will be required to show that work sheets have been executed either in 1936 or 1937 covering all land in the county owned or operated by him, and the extent to which the conditions upon which the payment is to be made have been met in 1937. Any person applying for a payment who owns or operates land in more than one county in the State may be required to file in the office of the State committee a list of all such land.

B. An application for a payment may be made by an owner, share-tenant, ranch operator or such other person as may be designated by the Secretary.

C. A farming or ranching unit located in two or more adjoining counties shall be regarded as located in the county in which the principal dwelling thereon is located, or if there is no such principal dwelling, such farming or ranching unit shall be regarded as located in the county in which the major portion of such farming or ranching unit is located.

**SEC. 9. Land to be Covered by Work Sheet.**—

A. Where one or more farms in the same county are under the same ownership and are operated in 1937 as part or all of a single farming unit by the same operator, such farm or farms shall be covered by one work sheet.

B. Where two or more farms in the same county are under different ownerships, even though they are operated in 1937 as part or all of a single farming unit by the same operator, each separately owned farm shall be covered by a separate work sheet.

C. Where two or more farms in the same county are under the same ownership and are operated in 1937 as separate farming units, each separately operated farm shall be covered by a separate work sheet.

D. Where land comprising part of a farming unit is rented on shares and land comprising part of the same farming unit used for hay, meadow, pasture, or similar uses is rented for cash from the same landlord, it will not be necessary to execute more than one work sheet for both such share-rented and such cash-rented land.

E. Where land comprising part of a farming unit is rented on shares and land comprising part of the same farming unit not used for hay, meadow, pasture, or similar uses, is rented for cash from the same or a different landlord, it will be necessary to execute a work sheet for such share-rented land and a separate work sheet for such cash-rented land.

**Part VII. Establishment of Bases**

**SEC. 1. Soil-Depleting Base.**—There will be established a soil-depleting base for each farm which shall represent the acreage normally used for the production of soil-depleting crops on such farm.

A. On each farm for which a work sheet was executed under the 1936 Agricultural Conservation Program, such soil-depleting base for the farm in 1937 shall be the total soil-depleting base which was established for the farm under the 1936 Agricultural Conservation Program, subject to necessary acreage adjustments based on land measurements made in connection with the 1936 and 1937 Agricultural Conservation Programs, changes in crop classifications, and further adjustments that will result in a soil-depleting base for the farm which is comparable with soil-depleting bases for other farms in the same community which are similar with respect to size, type of soil, topography, production facilities, type of farming, and farming practices.

B. On farms for which no work sheet was executed under the 1936 Agricultural Conservation Program, the soil-depleting base shall be the acreage of all soil-depleting crops seeded for the 1936 harvest subject to the following adjustments:

1. Where, because of weather conditions, the number of acres of soil-depleting crops seeded for harvest in 1936 was greater or less than the acreage of such crops usually seeded on the farm, such number of acres shall be decreased or increased to an acreage which is comparable to the acreage of such crops seeded on such farm under normal conditions in past years.

2. Where the acreage of soil-depleting crops seeded for harvest in 1936 for any farm, adjusted if necessary as heretofore indicated, is materially greater or less than the acreage of soil-depleting crops seeded for harvest in 1936 on farms in the same community which are similar with respect to size, type of soil, topography, production facilities, and farming practices, such adjustment shall be made as will result in a soil-depleting base for such farm which is equitable, as compared with the soil-depleting bases for such other similar farms.

C. A county limit for the farms participating in the program in each county will be established by the Agricultural Adjustment Administration and the aggregate of the soil-depleting bases established in each county shall not exceed the county limit for such county unless a variance therefrom is recommended by the State committee and approved by the Agricultural Adjustment Administration. In establishing county limits, the Agricultural Adjustment Administration shall consider the ratio of all acreage of soil-depleting crops in the county to all cropland on all farms in the county, the ratio of soil-depleting bases established in the county to the acreage of cropland on all farms for which such bases have been established, and any other pertinent information which is available.

**SEC. 2. Soil-Conserving Base.**—The soil-conserving base shall be equal to the total acreage of cropland less the soil-depleting base and the acreage in commercial orchards on the farm on January 1, 1937.

**SEC. 3. Establishment of Grazing Capacity.**—There will be established a grazing capacity for each ranching unit for which an application for determination of grazing capacity is received. Such grazing capacity shall be based upon the report submitted by the range examiner, who, in examining the range and making his report thereon, will take into consideration the following: (a) composition, palatability, and density of growth; (b) climatic fluctuations; (c) distribution and character of watering facilities; (d) topographic and cultural features; (e) classes of livestock; (f) presence or absence of rodents and poisonous plant infestations; and (g) previous use. The average of the individual grazing capacities established for all ranching units in a county shall not exceed the county average grazing capacity limit for such land.



## Part VIII. Classification of Land Uses

Farm land, when devoted to the crops or uses indicated hereinafter, shall be classified as follows, except for such additions or modifications as may be recommended by the State Committee or the Agricultural Adjustment Administration, and approved by the Secretary.

SEC. 1. *Soil-Depleting Crops*.—Land devoted to any of the following uses or crops shall be regarded as used for the production of a soil-depleting crop for the year in which such crop would normally be harvested; except as indicated in sections 2 and 3 of this part VIII.

- a. Corn (field, sweet and popcorn).
- b. Potatoes.
- c. Sugar beets for sugar or seed.
- d. Cultivated sunflowers.
- e. Annual truck, canning, and vegetable crops, and their seeds.
- f. Melons.
- g. Sorghums, including grain sorghums, sweet sorghums, and sudan grass for seed, grain, hay, or pasture.
- h. Sweet sorghums for syrup.
- i. Small grains including flax, for grain or hay, or pasture. (See subsection a of Sec. 2.)
- j. Millets. (See subsection b of Sec. 2.)
- k. Soybeans, field beans, cowpeas, field peas, and seed peas, for grain, hay, pasture or canning purposes. (See subsection f of Sec. 3.)
- l. Root crops grown for feed or seed.
- m. Fiber plants.
- n. Annual cut flowers and their seeds.
- o. Rape.
- p. Cultivated fallow (summer fallow) including approved summer fallow.

SEC. 2. *Soil-Conserving Crops*.—Land devoted to any of the following uses or crops in 1937 shall be regarded as used for the production of a soil-conserving crop:

- a. The following grasses and legumes, and such other grasses and legumes as may be approved by the Director of the Western Division, without a nurse crop, or with a nurse crop if such nurse crop is not harvested for grain or hay:

1. Legumes: Alfalfa; sweet, red, alsike, white, strawberry, ladino, Mammoth, crimson, bur, and sour clovers; and mixtures thereof.
2. Grasses: Bluegrass, orchard, wheat grasses, rye grasses, timothy, reedtop, bent grasses, fescues, tall oat grass, Reed's canary grass, Dallis, brome, grama, and mixtures thereof.
3. Grass and Legume Mixtures: Mixtures of 1 and 2 above.

- b. Cover and green manure crops, including annual, biennial, and perennial legumes; rye, barley, oats, and grain mixtures; vetches; and such other crops as may be approved by the Director of the Western Division; when turned under in 1937, after attaining at least two months' growth; except when followed by summer fallow on non-irrigated cropland.

- c. Forest trees when planted on cropland since January 1, 1934.

SEC. 3. *Neutral Uses*.—Land devoted to the following uses or crops shall be regarded as devoted to neutral uses:

- a. Orchards, vineyards, tree fruits, nut trees, bush, and small fruits, including strawberries, regardless of the use of the land between the rows.
- b. Perennial vegetables, including asparagus, horseradish, and rhubarb.
- c. Nursery stocks, including perennial ornamentals and perennial cut flowers, and their seeds.
- d. Bulbs.
- e. Idle crop land.
- f. Any acreage upon which perennial or biennial legumes or perennial grasses are seeded in the fall of 1937 following summer fallow, when no soil-depleting crop is seeded on such land for harvest in 1937.
- g. Cropland planted to forest trees between January 1, 1930, and December 31, 1933.

## Part IX. Appeals

SEC. 1. *Appeals from Determinations of County Committee*.—Any person who has reason to believe that any base, productivity index, grazing capacity, or any division of payment, determined for his farm or ranching unit by the county committee, is not equitable, may request such committee to reconsider its determination. If no agreement is reached between such person and such committee, an appeal may be taken in accordance with such rules as may be prescribed by the Secretary.

In testimony whereof H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the city of Washington, District of Columbia, this 20th day of April, 1937.

[SEAL]

H. A. WALLACE,  
Secretary of Agriculture.

[F. R. Doc. 37-1172; Filed, April 20, 1937; 12:53 p. m.]

## Bureau of Agricultural Economics.

RULES AND REGULATIONS OF THE SECRETARY OF AGRICULTURE  
FOR CARRYING OUT THE PROVISIONS OF THE PERISHABLE  
AGRICULTURAL COMMODITIES ACT, 1930, AS AMENDED

AMENDMENT TO SERVICE AND REGULATORY ANNOUNCEMENTS  
NO. 121, REVISED

By virtue of the authority vested in the Secretary of Agriculture by an "Act to suppress unfair and fraudulent practices in the marketing of perishable agricultural commodities in interstate and foreign commerce, approved June 10, 1930 (46 Stat. 531), as amended April 13, 1934 (48 Stat. 584) and June 19, 1936 (49 Stat. 1533)," I, H. A. Wallace, Secretary of Agriculture, do make, prescribe and give public notice of the following amendments to the Rules and Regulations of the Secretary of Agriculture under said Act (Service and Regulatory Announcements No. 121, Revised) approved August 4, 1934.

Amend Regulation 5, section 2, paragraph 5, to read as follows:

PAR. 5. Where the amount of damages claimed does not exceed \$500, a hearing need not be held unless deemed necessary or desirable by the Chief of the Bureau or the Solicitor, or granted upon application of complainant or respondent setting forth the peculiar circumstances making such hearing necessary for a proper presentation of the case. Proof in support of the complaint and the answer may be supplied in the form of depositions or verified statements of fact. Complainant's opening statement of facts should be mailed to the Solicitor within fifteen days following receipt of the Solicitor's notice that the case is to be submitted without a formal hearing. Respondent will have fifteen days from receipt of complainant's opening statement in which to furnish an answering statement of facts, and complainant will then have five days from receipt of respondent's answering statement in which to file a reply thereto. All such statements must be furnished in triplicate. Application for the furnishing of proof in deposition form must be promptly made and the information furnished as required by Regulation 5, section 3. Either party failing to furnish proof in the manner and within the time above specified, unless such time has been extended, will be deemed to have waived the furnishing thereof, and the disputed issues of fact and law may, subject to paragraph 7 of this section, be considered and decided upon the pleadings and attached exhibits, together with such proof as the opposing party may furnish.

Amend Regulation 5, section 2, by adding a new paragraph to be numbered 8, reading as follows:

PAR. 8. When a complaint has been regularly served upon the respondent therein named and such respondent thereafter fails or refuses to file an answer thereto, the verified complaint and attached exhibits, if any, may, subject to paragraph 7 of this section, be accepted both as a pleading and as proof.

Amend Regulation 5, section 5, paragraph 3, to read as follows:

PAR. 3. After an order has been issued the Secretary will consider an application for the reconsideration of such order when a written petition for such proceeding is filed with the Chief of Bureau within fifteen days after such order has been served upon petitioner, provided such petition sets forth, (1) some fact or



facts which disclose that the damages awarded are excessive or inadequate, or (2) the discovery of material evidence, together with a statement thereof, which was not available to petitioner prior to the hearing, or (3) the statement of some fact or facts which prima facie show that the proceedings did not conform to the requirements of the law.

Amend Regulation 8, section 1, by adding new paragraphs to be numbered 25, 26, 27, 28 and 29, reading as follows:

PAR. 25. The term "Guaranteed advance", as used in connection with an advance payment on consigned produce, shall be deemed to mean that the party making the advance guarantees that the net proceeds to the consignor shall at least equal the amount so advanced, and in any case where a guaranteed advance is made the consignor cannot be held liable for any deficit resulting from the sale of the produce, if such deficit is not occasioned by or contributed to by some act or acts of the consignor.

PAR. 26. The term "Accommodation advance, or regular advance", as used in connection with an advance of money or credit against anticipated net proceeds to be realized from the sale of consigned produce, shall be deemed to mean that the shipper has received an advance of money or credit and if the consigned produce does not sell for enough to cover the cost of transportation and handling, including customary or agreed commission and the advance made to him, the shipper must return to the one making the advance a sum equal to the deficit sustained.

PAR. 27. The term "Price arrival", in the absence of a contrary specific understanding, shall be deemed to mean that the produce is shipped either direct to the customer or to an agent of the shipper, for the benefit of the customer, the price to be subject to agreement between the customer and the shipper upon the arrival of the goods at the customer's destination and with sufficient time being permitted for inspection.

PAR. 28. The term "F. O. B. inspection and acceptance arrival" shall be deemed to mean that the commodity quoted or sold is to be placed by the seller free on board car or other agency of through transportation at shipping point, the cost of transportation to be borne by the buyer, but the seller to assume all risks of loss and damage in transit not caused by the buyer who has the right to inspect the goods upon arrival and to reject them if upon such inspection they are found not to meet the specifications of the contract of sale at destination. The buyer may not reject without reasonable cause. Such a sale is f. o. b. only as to price and is on a delivered basis as to quality and condition.

PAR. 29. The term "F. O. B. sale at delivered price" shall be deemed to mean the same as f. o. b. except that transportation charges from shipping point to destination shall be borne by the seller, that is, the sale is f. o. b. as to quality and delivered as to price.

In testimony whereof I have hereunto set my hand and caused the signature of the Secretary of Agriculture to be affixed in the City of Washington, this 16th day of April, 1937.

[SEAL]

H. A. WALLACE,  
Secretary of Agriculture.

[F. R. Doc. 37-1162; Filed, April 19, 1937; 2:01 p. m.]

## SECURITIES AND EXCHANGE COMMISSION.

### *United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 19th day of April, A. D. 1937.

[File No. 37-19]

### IN THE MATTER OF AMERICAN-UNITED FISCAL AGENCY, INC.

#### NOTICE OF AND ORDER FOR HEARING

A declaration having been duly filed with this Commission, by American-United Fiscal Agency, Inc., a subsidiary company, of American Light & Traction Company, a registered holding company, pursuant to Section 13 and Rule 13-22 of the Public Utility Holding Company Act of 1935, with respect to its organization and conduct of business as subsidiary service company for member companies of the United Light and Power Company holding-company system.

It is ordered that a hearing on such matter be held on May 12, 1937, at ten o'clock in the forenoon of that day at Room 1103 Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested con-

sumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before May 7, 1937.

It is further ordered that Robert P. Reeder, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission. By the Commission.

[SEAL]

FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 37-1168; Filed, April 20, 1937; 12:42 p. m.]

### *United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 20th day of April, A. D. 1937.

[File No. 46-40]

### IN THE MATTER OF THE MIDDLE WEST CORPORATION NOTICE OF AND ORDER FOR HEARING

An application having been duly filed with this Commission, by The Middle West Corporation pursuant to Section 10 (a) (1) of the Public Utility Holding Company Act of 1935, for approval of the acquisition by it of 10,000 shares of \$6 cumulative preferred stock (no par value) of the Central Illinois Public Service Company, a corporation organized and existing under the laws of the State of Illinois, a subsidiary of the applicant within the meaning of Section 2 (a) (8) of the Public Utility Act of 1935 and an affiliate of the applicant within the meaning of Section 2 (a) (11) of the Public Utility Act of 1935, said securities to be acquired on the open market at the price prevailing when and as purchases are made;

It is ordered that a hearing on such matter be held on May 7, 1937, at 10:00 o'clock in the forenoon of that day at Room 1101, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before May 1, 1937.

It is further ordered that Charles S. Moore, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 37-1167; Filed, April 20, 1937; 12:42 p. m.]



*United States of America—Before the Securities  
and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 12th day of April, A. D. 1937.

[File No. 2-2690]

**IN THE MATTER OF BAGDAD COPPER CORPORATION**  
**STOP ORDER**

This matter coming on to be heard by the Commission on the registration statement of Bagdad Copper Corporation, Hillside, Arizona, after confirmed telegraphic notice by the Commission to said registrant that it appears that said registration statement includes untrue statements of material facts and omits to state material facts required to be stated therein and material facts necessary to make the statements therein not misleading, in the Facing Sheet, Items 3, 18, 27, 31, 32, 33, 34, 35, 36, 38, 54, Exhibits B, C-3, C-5 and C-15 and the Prospectus; the matter having been set down for hearing, notice thereof having been duly served upon the registrant, a hearing having been held during the periods of January 6 to January 14, 1937, and March 30 to April 8, 1937, and evidence having been taken at such hearing in support of the allegations made in the notice of hearing; the registrant having consented to the entry of a stop order; and the Commission having duly considered the matter and being now fully advised in the premises,

It is ordered, pursuant to Section 8 (d) of the Securities Act of 1933, as amended, that the effectiveness of the registration statement filed by Bagdad Copper Corporation, Hillside, Arizona, be, and the same hereby is, suspended.

By direction of the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1165; Filed, April 20, 1937; 12:42 p. m.]

*United States of America—Before the Securities  
and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 2d day of April, 1937.

[File No. 2-1357]

**IN THE MATTER OF TREASURE HILL EXTENSION MINES COMPANY,  
INCORPORATED**  
**STOP ORDER**

This matter coming on to be heard by the Commission on the registration statement of Treasure Hill Extension Mines Company, Incorporated, Hamilton, Nevada, after confirmed telegraphic notice by the Commission to said registrant that it appears that said registration statement includes untrue statements of material facts and omits to state material facts necessary to make the statements therein not misleading, and upon evidence received upon the allegations made in the notice of hearing duly served by the Commission on said registrant, and the Commission having duly considered the matter, and finding that said registration statement includes untrue statements of material facts and omits to state material facts required to be stated therein and material facts necessary to make statements therein not misleading, all as more fully set forth in the Commission's Findings and Opinion this day issued, and the Commission being now fully advised in the premises,

It is ordered, pursuant to Section 8 (d) of the Securities Act of 1933, as amended, that the effectiveness of the registration statement filed by Treasure Hill Extension Mines Company, Incorporated, Hamilton, Nevada, be and the same hereby is suspended.

By direction of the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1166; Filed, April 20, 1937; 12:42 p. m.]

No. 76—3

*United States of America—Before the Securities  
and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 19th day of April, A. D., 1937.

**IN THE MATTER OF AN OFFERING SHEET OF A WORKING INTEREST  
IN THE COX-McCLUSKEY FARM, FILED ON APRIL 14, 1937, BY  
H. J. COX, RESPONDENT**

**SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A))  
AND ORDER DESIGNATING TRIAL EXAMINER**

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

In that the date upon which the information contained in the offering sheet will be out of date, as set forth in Division I, paragraph 8, is not correct by reason of the fact that the statement is made in Division II, Item 27, of the offering sheet that the date as of which the information is given is January 12, 1937;

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 19th day of May, 1937; that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Charles S. Lobingier, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 4th day of May, 1937, at 10:30 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1170; Filed, April 20, 1937; 12:43 p. m.]

*United States of America—Before the Securities  
and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 19th day of April, A. D., 1937.

**IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST  
IN THE HYLAND-CAMPBELL FARM, FILED ON APRIL 14, 1937,  
BY SUPREME OIL INC., RESPONDENT**

**SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A))  
AND ORDER DESIGNATING TRIAL EXAMINER**

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the



respondent named therein is incomplete or inaccurate in the following material respects, to wit:

(1) In that the date upon which the information contained in the offering sheet will be out of date, as set forth in Division I, paragraph 8, is not correct;

(2) In that the total production of oil from the tract, as set forth in Division II, Item 15, may not be correct by reason of the information disclosed by the note at the foot of page 4 of the offering sheet;

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 19th day of May, 1937; that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Charles S. Lobingier, an officer of the Commission be, and hereby is, designated as trial

examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 4th day of May, 1937, at 10 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-1169; Filed, April 20, 1937; 12:43 p. m.]